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PROCEEDINGS
OF THE
STATE CONVENTION
OF
MARYLAND
TO FRAME
A NEW CONSTITUTION.

Commenced at Annapolis, April 27, 1864.

ANNAPOLIS:
RICHARD P. BAYLY, PRINTER.
1864.

PROCEEDINGS.

CHAMBER OF THE HOUSE OF DELEGATES.

WEDNESDAY, April 27th, 1864.

This being the day appointed for the meeting of the Convention to Frame a New Constitution and Form of Government for the State,

At 12 o'clock, M.,

On motion of Mr. Hopewell Hebb, of Allegany county, Mr. Henry Stockbridge, of Baltimore city, was elected temporary Chairman.

On motion of Mr. Schley, of Frederick county,

Mr. Joseph B. Pugh, of Cecil county, was elected temporary Secretary.

Mr. Stirling submitted the following order:

Ordered, That a committee of five be appointed by the Chair, to wait upon the Governor and inform him that the Convention to Frame a new Constitution and Form of Government for the State of Maryland, has assembled in the Hall of the House of Delegates, in accordance with the Act of Assembly, and his Proclamation of the 14th instant, and effected a temporary organization; and that said Convention desires to be informed by him who are shown, by the returns made to him, to be duly elected to seats in said Convention, and have taken and subscribed before him the oath prescribed in the Act calling said Convention;

Which was adopted.

The Chairman appointed Messrs. A. Stirling, Jr., of Baltimore city, J. S. Berry, of Baltimore county, Daniel Clarke, of Prince George's county, Albert C. Greene, of Allegany county, and William T. Purnell, of Worcester county, a committee in accordance with the above order.

The committee retired, and after a brief absence returned to the Chamber.

Mr. Stirling, Chairman, reported that they had performed the duty assigned them, and the Governor would send a message to the Convention.

Mr. Chambers submitted the following order:

Ordered, That a committee of — members be appointed by the Chair, to arrange the seats appropriate to the several delegations, so as to enable the delegates from each county to occupy contiguous chairs.

Mr. Neagley submitted the following amendment:

Provided, That the delegations of the several counties who are contiguously seated, be exempted from the operation of the resolution.

On motion of Mr. Todd,

The consideration of the subject was postponed.

The following message was received from the Governor by the hands of Chapman Harwood, Esq.:

EXECUTIVE DEPARTMENT,

ANNAPOLIS, April 27, 1864.

To the Convention :

GENTLEMEN—In compliance with the request contained in your order of this day, I have the honor herewith to transmit a list of the members of the Convention elected on the 6th inst., as appears by the returns of the Judges of Election on file in this department. The words “sworn” or “affirmed,” prefixed to some of the names on said list, indicate those who have taken and subscribed the oath required to be administered to members of said Convention by the act authorizing it.

A. W. BRADFORD.

St. Mary's County—Chapman Billingsley. George W. Morgan, John F. Dent.

Kent County—Ezekiel F. Chambers, David C. Blackiston, George S. Hollyday.

Anne Arundel County—Oliver Miller, Sprigg Harwood, William B. Bond, Eli J. Henkle.

Calvert County—James T. Briscoe, Dr. John Turner, Chas. S. Parran.

Charles County—Richard H. Edelen, Frederick Stone, John W. Mitchell.

Baltimore County—John S. Berry, James L. Ridgely, William H. Hoffman, Edwin L. Parker, David King, William H. Mace, Silas Larsh.

Talbot County—Henry H. Goldsborough, James Valliant, John F. Mullikin.

Somerset County—Isaac D. Jones, Andrew G. Crawford, William H. Gale, James U. Dennis, John C. Horsey.

Dorchester County—Thomas I. Dail, Alward Johnson, Dr. Washington A. Smith, Thomas J. Hodson.

Cecil County—Thomas P. Jones, George Earle, David Scott, Joseph B. Pugh.

Prince George's County—Daniel Clarke, Samuel H. Berry, Edward W. Belt, Fendall Marbury.

Queen Anne's County—John Lee, John Brown, Pere Wilmer.

Worcester County—Thomas B. Smith, William T. Purnell, William H. W. Farran, Francis T. Murray.

Frederick County—Samuel Keefer, Frederick Schley, David Markey, Andrew Annan, Henry Baker, B. A. Cunningham, Peter G. Schlosser.

Harford County—William Galloway, George M. McComas, John A. Hopper, Thomas Russell.

Caroline County—Robert W. Todd, James D. Carter, Twiford S. Noble.

Baltimore City—Samuel T. Hatch, Baltis H. Kennard, William Brooks, Henry Stockbridge, Archibald Stirling, Jr., John Barron, William Daniel, Edwin A. Abbot, Joseph M. Cushing, John L. Thomas, Jr., Joseph H. Audoun.

Washington County—Henry W. Dellinger, Lewis B. Nyman, Peter Negley, James P. Mayhugh, Joseph F. Davis, John R. Sneary.

Montgomery County—In this county it appears by the returns of the Judges of Election, that no election was held in the fourth district of said county in consequence, as it is said, of a military interference, and a new election has been ordered in said district. In the other districts in said county the following persons are declared to have received the greatest number of votes, viz: Thomas Lansdale, George Peter, Edmund P. Duvall.

Allegany County—Albert C. Greene, Hopewell Hebb, Geo. A. Thruston, Jacob Wickard, Jasper Robinette.

Carroll County—John E. Smith, Jonas Ecker, Dr. John Swope, William S. Wooden.

Howard County—Joel Hopkins, George W. Sands, James Sykes.

The roll was called by the Secretary, and all the above named members responded except the following :

Messrs. Henkle, Thomas, Briscoe, Edelen, Stone, Mitchell, Johnson, Blackiston, Lansdale, Peter, Duvall, Marbury, Billingsley, Dent, Gale, and Smith of Worcester county.

The members present had previously qualified before the Governor, by subscribing to the oath provided by the Act of Assembly, January Session, 1864.

Mr. Berry, of Prince George's, moved that the Convention do now adjourn until to-morrow at 12 o'clock.

The question upon its adoption was decided in the negative.

On motion of Mr. Daniel,

The Convention proceeded to the election of a President.

Mr. Stirling nominated Henry H. Goldsborough, of Talbot county.

Mr. Clarke nominated Ezekiel F. Chambers, of Kent county.

Mr. Chambers declined the nomination.

The Convention proceeded to vote *viva voce* for President, with the following result :

FOR HENRY H. GOLDSBOROUGH :

Messrs. Greene, Hebb, Thruston, Wickard, Robinette, Hatch, Kennard, Brooks, Stockbridge, Stirling, Barron, Daniel, Abbott, Cushing, Audoun, Berry, of Balt. county, Ridgely, Hoffman, Parker, King, Mace, Larsh, Smith, of Carroll, Ecker, Swope, Wooden, Jones, of Cecil, Earle, Scott, Pugh, Todd, Carter, Noble, Keefer, Schley, Markey, Annan, Baker, Cunningham, Schlosser, Galloway, McComas, Hopper, Russell, Hopkins, Sands, Sykes, Valliant, Mullikin, Dellinger, Nyman, Neagley, Mayhugh, Davis, Sneary, Purnell, Farrow, Murray.

The Chairman announced that the Hon. Henry H. Golds-

borough, having received fifty-eight votes, is duly elected President of the Convention.

Mr. Daniel moved that the President appoint a committee of three members to wait upon the President elect, and conduct him to the Chair :

Which was adopted.

The Chairman appointed Messrs. William Daniel, J. S. Berry, of Baltimore county, and Daniel Clarke, of Prince George's.

The President was conducted to the Chair, and addressed the Convention as follows :

Gentlemen of the Convention :

It is with much diffidence that I enter upon the execution of the duties of presiding officer of this body. I am well aware of the responsibilities belonging to such a position in ordinary times, greatly increased as they must be in a period like the present, when the passions of men are aroused by the exciting events of each day, demanding, in the position I now occupy, the exercise of more than the usual amount of forbearance and control. I need not remind you with what solicitude the people of this State are watching our proceedings. I am sure I do not speak with unauthorized hope when I venture the prediction that you will bring to the performance of your several duties a fidelity, attention, and an enlarged patriotism, equal to the expectation of those who sent us here for the purpose of organizing anew the institutions under which we live. At any time this is an important duty. At the present it cannot be performed without a zealous determination to do our whole duty irrespective of personal considerations.

I will not advert to the present condition of our State and National affairs. I deem it most prudent to leave these to the impartial judgment of each individual member ; and while seeking to exclude from our deliberation all partisan prejudices, I beseech you to devote yourselves sedulously to the work before you ; and while in the performance of your duties, not to overlook that respect and esteem that is due from each one to the others. If I should be successful in the pursuit of such a course, I am confident that I shall be sustained and animated by the exhibition of a similar spirit on your part. We must expect to differ in our views. Let us determine to present, and advocate them on all occasions in a courteous manner, one becoming a dignified deliberative body. By respecting the opinions of each other we shall be the bet-

ter prepared to submit with becoming grace to the will of the majority, that cardinal principle to be cherished by all alike if we sincerely desire the preservation and perpetuation of free institutions.

Thanking you for this manifestation of your kind regard, I now enter upon the discharge of my duties, with the assurance of your generous confidence, and an abiding hope that our labors may redound to the peace, happiness and prosperity of our State.

The Convention adjourned until 12 o'clock, M., to-morrow.

THURSDAY, April 28th, 1864.

The Convention met pursuant to adjournment. Hon. HENRY H. GOLDSBOROUGH, President, in the Chair, and Mr. Joseph B. Pugh, of Cecil, acting as Secretary.

Prayer by the Rev. Mr. Davenport.

The proceedings of yesterday were read.

The qualifications of James T. Briscoe, of Calvert county, Eli J. Henkle, of Anne Arundel county, Thomas B. Smith, of Worcester county, Fendall Marbury, of Prince George's county, William H. Gale, of Somerset county, were presented, and the gentlemen named appeared and took their seats.

Mr. Cushing submitted the following order:

Ordered, That the following persons be declared appointed to the offices of this Convention for which they are respectively named.

Secretary—William R. Cole, of Baltimore city.

Assistant Secretary—John H. Shaw, of Allegany county.

Sergeant-at-Arms—Alfred D. Evans, of Baltimore city.

Committee Clerks—William R. McCulley, of Allegany county; Thomas Tipton, of Carroll county; George Johnson, of Cecil county, and S. C. Gorrell, of Harford county.

Doorkeepers—Moses Anders, of Frederick county, and Charles Whittemore, of Baltimore county.

Postmaster—A. J. Longsdorf, of Washington county.

Assistant Postmaster—William Denny, of Howard county.

Folders—Collins Tatman, of Caroline county; Charles Collins, of Worcester county.

Also, further ordered, that the President of this Convention appoint four pages, one lamplighter, and one hall-keeper;

Which was adopted.

Mr. Kennard submitted the following order:

Ordered, That a committee of five members be appointed by the President, to prepare and report rules for the government of the Convention, and that, in the meantime, the rules of the House of Delegates, so far as the same are applicable, be adopted.

Mr. Clarke submitted the following amendment:

After the words "Rules of the House of Delegates" insert: the words "Except the rule of the House of Delegates relating to the call of the previous question,"

Decided in the negative;

The question then recurring upon the adoption of the order offered by Mr. Kennard,

It was adopted.

William R. Cole, Secretary, Alfred D. Evans, Sergeant-at-Arms, Thomas Tipton and George Johnston, Committee Clerks, Moses Andrews and Charles Whittemore, Doorkeepers, A. J. Longsdorf, Postmaster, William Denny, Assistant Postmaster, and Collins Tatman, Folder, officers elect, were qualified by the Governor, and entered upon the discharge of their duties.

Mr. Stockbridge submitted the following order:

Ordered, That standing committees, to consist of seven members each, be appointed by the Chair, to take into consideration the propriety and expediency of making any, and if any what, alterations or amendments in the several distinct subjects embraced in the Constitution, and confided to them respectively, with the power of conference between any and all of said committees, and to report the result of their deliberations to the Convention at the earliest practicable day, viz:

1st. A committee to consider and report upon the Declaration of Rights.

2nd. A committee to consider and report upon the Executive Department.

3rd. A committee to consider and report upon a proper basis of Representation in the two Houses of the General As-

sembly, and a proper apportionment of representation in the same.

4th. A committee to consider and report respecting the Legislative Department.

5th. A committee to consider and report upon the Judiciary System of the State.

6th. A committee to consider and report upon the State's Attorneys.

7th. A committee to consider and report upon the Treasury Department.

8th. A committee to consider and report upon the Elective Franchise and the qualifications of Voters.

9th. A committee to consider and report respecting the Militia and Military affairs.

10th. A committee to consider and report respecting Education, and the encouragement of Literature.

11th. A committee to consider and report respecting the rights, duties, divisions and subdivisions of Counties.

12th. A committee to consider and report upon a schedule of such provisions or ordinances as it may be desirable for the Convention to adopt in order to carry into effect any amendments of the Constitution upon which it may decide.

13th. A committee to consider and report respecting future amendments and revisions of the Constitution.

Mr. Belt, submitted the following amendment :

In the 3d committee provided for, to add the following words :

“And said committee shall consist of one member from each county and one from the city of Baltimore.”

The question being on the adoption of this amendment,

The yeas and nays were ordered and appeared as follows :

AFFIRMATIVE.

| | | |
|----------------------|-----------------|----------------------|
| Messrs. | Turner, | Berry, of P. G. co., |
| Goldsborough, P't | Parran, | Belt, |
| Harwood, | Todd, | Marbury, |
| Bond, | Carter, | Lee, |
| Henkle, | Noble, | Brown, |
| Berry, of Balt. co., | Smith, of Dor., | Wilmer, |
| Ridgely, | Hodson, | Morgan, |

| | | |
|--------------------|-----------|--------------------|
| King, | Hopkins, | Jones of Somerset, |
| Mace, | Chambers, | Crawford, |
| Larsh, | Hollyday, | Gale, |
| Smith, of Carroll, | Clarke, | Horsey—33. |
| Briscoe, | | |

NEGATIVE.

| | | |
|-----------------|------------------|-----------------|
| Messrs. Greene, | Parker, | McComas, |
| Hebb, | Ecker, | Hopper, |
| Thruston, | Swope, | Russell, |
| Wickard, | Wooden, | Sands, |
| Robinette, | Jones, of Cecil, | Valliant, |
| Hatch, | Earle, | Mullikin, |
| Kennard, | Scott, | Dellinger, |
| Brooks, | Pugh, | Nyman, |
| Stockbridge, | Keefer, | Negley, |
| Stirling, | Schley, | Mayhugh, |
| Barron, | Markey, | Davis, |
| Daniel, | Annan, | Sneary, |
| Abbott, | Baker, | Smith, of Wor., |
| Cushing, | Cunningham, | Purnell, |
| Audoun, | Schlosser, | Farrow, |
| Hoffman, | Galloway, | Murray—49. |

So the question upon the adoption of the amendment was decided in the negative.

The question then recurring upon the adoption of the order offered by Mr. Stockbridge,

It was adopted.

Mr. Purnell submitted the following order :

Ordered, That a committee of three be appointed to wait on the Reverend Clergy, resident of this city, and request them to make an arrangement among themselves by which one of their number, alternately, every day will attend this Convention and open its sessions by prayer.

Mr. Stirling submitted the following amendment :

Ordered, That the Rev. Mr. Davenport, and the Rev. Mr. Patterson and the Rev. Mr. Owen be appointed Chaplains to the Convention.

On motion of Mr. Hebb,

The consideration of the subject was postponed until Wednesday next, and the President requested to invite some Clergyman to officiate each day at the opening of the Convention.

Mr. Stockbridge submitted the following order :

Ordered, That standing committees to consist of five members each, be appointed by the Chair, as follows, viz :

1st. A committee on Accounts.

2nd. A committee on Reporting and Printing.

3rd. A committee on Engrossment and Revision.

Which was adopted.

Mr. Kennard submitted the following order :

Ordered, That five additional copies of the daily journal be printed for the use of the Convention, and that an equal number be distributed to the members ;

Which was adopted.

Mr. Cushing submitted the following order :

Ordered, That when this Convention adjourns, it shall be to meet on Tuesday next, at noon :

Which was adopted.

Mr. Daniel submitted the following order :

Ordered, That the President of this Convention be authorized to have re-arranged the seats on this floor, so as the better to suit the convenience of the members and promote the despatch of business ;

Which was adopted.

Mr. Ecker submitted the following order :

Ordered, That the hour of daily meeting of this Convention be at 12 o'clock, until further order ;

Which was adopted.

Mr. Kennard submitted the following order :

Ordered, That it be entered upon the Journal that John L. Thomas, Jr., a member elect of Baltimore city to this Convention, is detained from the Convention by indisposition ;

Which was adopted.

Mr. Jones, of Somerset, submitted the following order :

Ordered, That the President of the Convention appoint a committee on Elections, to consist of seven members, to report upon the election and qualification of members of this Convention ;

Which was adopted.

Mr. Baker submitted the following order :

Ordered, That one copy of the Convention Law be furnished each member on Tuesday morning next, by the Librarian, and also one copy of the Constitution and Bill of Rights ;

Which was adopted.

Mr. Scott submitted the following order :

Ordered, That the Librarian be required to furnish the members and clerks of this Convention with gold pens ;

Which was rejected.

The Convention adjourned.

TUESDAY, May 3rd, 1864.

The Convention met.

The proceedings of Thursday were read.

The qualifications of David C. Blackiston, of Kent county, Chapman Billingsley, of St. Mary's county, John L. Thomas, Jr., of Baltimore city, and Alward Johnson, of Dorchester county, were presented, and the gentlemen named appeared and took their seats.

The following officers of the Convention, having qualified before the Governor, entered upon the discharge of their duties: John H. Shaw, Assistant Secretary, S. C. Gorrell and William R. McCulley, Committee Clerks.

Mr. Daniel submitted the following order :

Ordered, That a vote of thanks be tendered to Mr. Pugh, of Cecil county, for the efficient manner in which he has discharged the duties of temporary Secretary of this Convention ;

Which was adopted.

Mr. Clarke submitted the following order :

Ordered, That a standing committee, to consist of seven members, be appointed by the President of the Convention, to consider and report respecting the appointment, tenure of office, duties and compensation of all civil officers not embraced in the duties of other standing committees.

On motion of Mr. Stirling,

The consideration of the order was postponed until after the appointment of the Standing Committees.

Mr. Daniel submitted the following order:

Ordered, That a copy of all documents printed for the use of members of the Convention, be furnished to each of the official reporters, and that the same be furnished to each of the reporters of the press having seats upon this floor;

Which was adopted.

Mr. Scott submitted the following order:

Whereas, The City Council of Baltimore have tendered to this Convention, free of cost, a Hall for our sessions; Therefore, ordered, that we accept their generous offer, and adjourn to that city as soon as the Convention are in receipt of information that a suitable Hall is ready for our reception.

Mr. Berry, of Baltimore county, moved to lay the order on the table.

The yeas and nays being ordered, appeared as follows :

AFFIRMATIVE.

| | | |
|----------------------|-----------------|--------------------|
| Messrs. Miller, | Earle, | Hopkins, |
| Bond, | Pugh, | Sykes, |
| Henkle, | Briscoe, | Blackiston, |
| Stockbridge, | Turner, | Hollyday, |
| Stirling, | Parran, | Clarke, |
| Cushing, | Dail, | Berry, of P. Geo., |
| Berry, of Balt. co., | Johnson, | Belt, |
| Ridgely, | Smith, of Dor., | Marbury, |
| Hoffman, | Hodson, | Lee, |
| Parker, | Galloway, | Brown, |
| King, | McComas, | Billingsley, |
| Ecker, | Hopper, | Morgan, |
| Wooden, | Russel, | Davis—39. |

NEGATIVE.

| | | |
|---------------|------------------|------------|
| Messrs. Hebb, | Swope, | Dennis, |
| Thruston, | Jones, of Cecil, | Horsey, |
| Wickard, | Scott, | Valliant, |
| Robinette, | Todd, | Mullikin, |
| Hatch, | Carter, | Dellinger, |
| Kennard, | Noble, | Nyman, |
| Brooks, | Keefer, | Negley, |
| Barron, | Schley, | Mayhugh, |
| Daniel, | Annan, | Snearly, |

| | | |
|--------------------|-------------|-----------------|
| Abbott, | Baker, | Smith, of Wor., |
| Thomas, | Cunningham, | Purnell, |
| Audoun, | Schlosser, | Farrow, |
| Larsh, | Crawford, | Murray—41. |
| Smith, of Carroll, | Gale, | |

So the question upon the motion to lay on the table, was decided in the negative.

On motion of Mr. Schley,

The further consideration of the subject was postponed until to-morrow at one o'clock.

Mr. Billingsley submitted the following order :

Ordered, That it be entered upon the Journal that John F. Dent, a member elect from St. Mary's county to this Convention, is absent from his seat in consequence of the indisposition of his family;

Which was adopted.

Mr. Barron submitted the following order :

Ordered, That the Secretary of this Convention procure an iron safe, in which to deposit all the documents and papers relating to the business of this Convention, in order to better secure their safety;

Which was rejected.

Mr. Hoffman submitted the following order :

Ordered, That the Librarian be directed to furnish each member of the Convention with a copy of "American Constitutions," published by Lippincott, of Philadelphia, said books to be returned to the Librarian at the close of the Session of the Convention.

On motion of Mr. Daniel,

The question was divided.

The question being on the adoption of the first clause of the order, viz., that the Librarian furnish the members of the Convention with a copy of "American Constitutions,"

It was decided in the affirmative.

The question recurring upon the adoption of the latter clause of the order, viz., "that the members return the books to the Librarian,"

It was decided in the negative.

The Convention adjourned.

WEDNESDAY, May 4th, 1864.

The Convention met.

Prayer by the Rev. Mr. Patterson.

The proceedings of yesterday were read.

The qualifications of George Peter and Thomas Landsdale, of Montgomery county, and Richard H. Edelin and John W. Mitchell, of Charles county, were presented, and the gentlemen named appeared and took their seats.

The President laid before the Convention a communication from the Executive, in reference to the election in Montgomery county;

Which was read and referred to the Committee on Elections.

The President announced the following Standing Committees:

No. 1. *Committee on Declaration of Rights*—Messrs. Stirling, Hebb, Purnell, Todd, Belt, Chambers and Morgan.

No. 2. *Committee on Executive Department*—Messrs. Greene, Mullikin, Smith, of Worcester, Schley, Billingsley, Miller and Parran.

No. 3. *Committee on Basis of Representation*—Messrs. Abbott, Hatch, Negley, Pugh, Berry, of Prince George's, Edelin and Smith, of Dorchester.

No. 4. *Committee on Legislative Department*—Messrs. Schley, Thruston, Kennard, Berry, of Baltimore county, Hollyday, Gale and Turner.

No. 5. *Committee on Judiciary Department*—Messrs. Stockbridge, Hoffman, Sands, Earle, Chambers, Jones, of Somerset, and Clarke.

No. 6. *Committee on State's Attorneys*—Messrs. Smith, of Carroll, Thomas, Mayhugh, Daniel, Briscoe, Wilmer and Harwood.

No. 7. *Committee on Treasury Department*—Messrs. Negley, Brooks, Cushing, Markey, Dail, Dennis and Mitchell.

No. 8. *Committee on the Elective Franchise and Qualification of Voters*—Messrs. Sands, Smith, of Worcester, Ecker, Scott, Marbury, Brown and Horsey.

No. 9. *Committee on Militia and Military Affairs*—Messrs. Berry, of Baltimore county, Thruston, Barron, Pugh, Delinger, Peter and Blakistone.

No. 10. *Committee on Education and the Encouragement of Literature*—Messrs. Cushing, Cunningham, Jones, of Cecil, Greene, Ridgely, Henkle and Hodson.

No. 11. *Committee on the Rights, Duties, Divisions and Subdivisions of Counties*—Messrs. Hebb, Robinette, Swope, Carter, Sykes, Duvall and Dent.

No. 12. *Committee on such Provisions and Ordinances as may be desirable to carry into effect Amendments to the Constitution*—Messrs. Ridgely, Schlosser, Hopper, Hopkins, Crawford, Stone and Lansdale.

No. 13. *Committee to report future Amendments and Revisions of the Constitution*—Messrs. Todd, Mace, Noble, Annan, McComas, Johnson and Lee.

COMMITTEES OF FIVE.

No. 1. *Committee on Accounts*—Messrs. Galloway, Parker, Wooden, Baker and Russell.

No. 2. *Committee on Reporting and Printing*—Messrs. Valiant, Audoun, Farrow, Wickard and Sneary.

No. 3. *Committee on Engrossment and Revision*—Messrs. Earle, Nyman, King, Murray and Dail.

COMMITTEE OF SEVEN.

Committee on Elections—Messrs. Purnell, Davis, Larsh, Keefer, Dent, Bond and Brown.

On motion of Mr. Peter,

It was ordered to be entered on the Journal that Dr. Edmund P. Duvall, member elect for Montgomery county, is absent from his seat in consequence of sickness.

Mr. Henkle submitted the following order :

Ordered, That a Standing Committee of seven be appointed by the Chair, to consider and report upon a uniform system of inspections;

Which was rejected.

Mr. Abbott submitted the following order :

Ordered, That a sufficient number, for the use of the members of the Convention, of the list of the Standing Committees, be printed in a card form ;

Which was adopted.

Mr. Ecker submitted the following order :

Ordered, That the committee heretofore appointed to arrange the seats, be required to furnish the doorkeepers with seats ;

Which was rejected.

Mr. Galloway submitted the following order :

Ordered, That the person having charge of the State House be requested by the President to hoist from its dome, each day during the sitting of this Convention, "the United States Flag ;"

Which was adopted.

Mr. Belt submitted the following order :

Ordered, That a Standing Committee of five members be appointed to consider and report upon Section 49 of Article 3 of the present Constitution, having reference to interest and and the usury laws ;

Which was adopted.

The President appointed the following committee in accordance with the above order : Messrs. Belt, Stockbridge, Schley, Billingsley and Todd.

Mr. Audoun submitted the following order :

Ordered, That the Chaplain or Chaplains appointed by this Convention shall, before entering upon the discharge of their duties, take and subscribe to the same oath as that administered to the members of this Convention ;

Which was adopted.

On motion of Mr. Berry, of Prince George's,

The consideration of the order offered yesterday by Mr. Clarke, for the appointment of a "committee of seven to consider and report respecting the appointment, tenure of office, duties and compensation of all civil officers not embraced in the duties of other Standing Committees," was postponed until to-morrow.

Mr. Briscoe submitted the following order :

Ordered, That the Comptroller of the Treasury be requested to report to this Convention a statement of the aggregate amount paid by the State to special counsel employed by the Executive, or other officers of the State since the adoption of

the present Constitution, and also the amount paid to special Judges;

Which was adopted.

The order for the appointment of Chaplains to the Convention, was taken up for consideration.

On motion of Mr. Valliant,

The consideration of the subject was further postponed until Wednesday next.

Mr. Abbott submitted the following resolution :

Resolved, That this Convention take up the Bill of Rights and Constitution, commencing a careful reading of the same by the Clerk, that as the sections are read each member of the Convention be required to propose in writing such alterations or amendments as he may desire, which shall be submitted without argument or debate during the reading, all said propositions to be printed and referred to appropriate committees upon whose report ample opportunity shall be given for discussion ; when the reading shall have been finished, and each member has handed in his proposition to alter or amend. All further proposition to alter or amend shall be deemed out of order.

Which was read the first time.

The President announced the following Committee on Rules and Orders for the government of the Convention :

Messrs. Kennard, Clarke, Valliant, Schley and Berry, of Prince George's.

Mr. Todd submitted the following order :

Whereas, The Baltimore City Council have appointed a deputation of their body to extend an invitation to this Convention to transfer its session to that city; therefore,

Ordered, That said deputation be, and they are hereby invited to seats in the Hall of this Convention, and to present any communication they may bear from the said City Council to this body, to-day at one o'clock.

Which was adopted.

The committee from the City Council of Baltimore, being invited to seats upon the floor of the Convention, presented the following, which was read:

Resolution of invitation to the Constitutional Convention to transfer its sessions from Annapolis to Baltimore.

Resolved by the Mayor and City Council of Baltimore, That an invitation be extended to the Constitutional Convention, now in session at Annapolis, to transfer its sessions from that city to Baltimore.

Resolved, That a joint committee of three members from each Branch be appointed to obtain a suitable Hall and accommodations for said Convention, without delay, and that they be authorized and instructed to extend as soon as a suitable place of meeting can be engaged, an invitation to the Constitutional Convention, to transfer its sessions to the city of Baltimore, and to occupy the Hall so provided, at the expense of the city.

COUNCIL CHAMBER,

Baltimore, April 29th 1864.

We hereby certify that the foregoing is a true copy of a resolution which was adopted unanimously by the First and Second Branches of the City Council of Baltimore, at their session of this date.

ANDREW J. BANDELL,
Clerk First Branch.

WM. S. CROWLEY,
Clerk of the Second Branch.

The order offered by Mr. Scott on yesterday, accepting the invitation of the City Council, was then taken up.

Mr. Miller submitted the following as an amendment :

Ordered, That this Convention having received the invitation of the committee of the Mayor and City Councils of Baltimore to transfer our sessions to that city, we hereby express our grateful appreciation of that invitation, but most respectfully decline to accept the same.

Mr. Daniel moved the previous question.

The question then being shall the main question be now put.

It was decided in the affirmative.

The question recurring on the adoption of the amendment submitted by Mr. Miller.

The yeas and nays were ordered and appeared as follows :

AFFIRMATIVE.

| | | |
|---------------------|-----------------|--------------------|
| Messrs. | Earle, | Blackiston, |
| Goldsborough, P't | Pugh, | Hollyday, |
| Greene, | Briscoe, | Landsdale, |
| Hebb, | Turner, | Peter, |
| Thurston, | Parran, | Berry, of P. Geo., |
| Miller, | Dail, | Belt, |
| Harwood, | Johnson, | Marbury, |
| Bond, | Smith, of Dor., | Lee, |
| Henkle, | Hodson, | Brown, |
| Stockbridge, | Schley, | Wilmer, |
| Stirling, | Galloway, | Billingsley, |
| Daniel, | McComas, | Morgan, |
| Cushing, | Hopper, | Horsey, |
| Berry, of Balt. co. | Russell, | Mulliken, |
| Hoffman, | Sands, | Nyman, |
| Parker, | Sykes, | Davis, |
| King, | Chambers, | Purnell—51. |
| Ecker, | | |

NEGATIVE.

| | | |
|--------------------|------------------|-----------------|
| Messrs. Wickard, | Wooden, | Hopkins, |
| Robinette, | Jones, of Cecil, | Gale, |
| Hatch, | Scott, | Dennis, |
| Kennard, | Todd, | Valliant, |
| Brooks, | Carter, | Dellinger, |
| Barron, | Noble, | Negley, |
| Abbott, | Keefer, | Mayhugh, |
| Thomas, | Markey, | Sneary, |
| Audoun, | Annan, | Smith, of Wor., |
| Larsh, | Baker, | Farrow, |
| Smith, of Carroll, | Cunningham, | Murray—35. |
| Swope, | Schlosser, | |

So the question upon the adoption of the amendment was decided in the affirmative.

Mr. Stirling moved a reconsideration of the vote by which the amendment was adopted.

Mr. Stockbridge moved that the consideration of the motion be indefinitely postponed ;

Decided in the affirmative.

The Convention adjourned.

THURSDAY, May 5th, 1864.

The Convention met.

Prayer by the Rev. Mr. McNamar.

The proceedings of yesterday were read.

Mr. Sands submitted the following order :

Ordered, That the following named members be added to the Committee on the Judiciary Department: Messrs. Daniel, Purnell, Thruston, Baker, Davis and Billingsley.

Mr. Miller submitted the following amendment :

Ordered, That the number of the Committee on the Judiciary Department be increased by five additional members, to be appointed by the President.

On motion of Mr. Chambers,

The whole subject was laid on the table.

The order submitted by Mr. Clarke, on Tuesday last, "that a Standing Committee of seven members be appointed by the President of the Convention, to consider and report respecting the appointment, tenure of office, duties and compensation of all civil officers not embraced in the duties of other Standing Committees,"

Was considered and adopted.

The President announced the following committee in accordance with the above order: Messrs. Clarke, Billingsley, Thruston, Daniel, Baker, Purnell and Davis.

Mr. Cushing submitted the following order :

Ordered, That a Standing Committee of seven be appointed by the President, to consider and report upon all subjects brought before the Convention, which have not been provided for in the duties assigned to the Committees already appointed.

The yeas and nays were ordered, and appeared as follows :

AFFIRMATIVE.

| | | |
|------------------|----------|-----------|
| Messrs. Harwood, | Cushing, | Belt, |
| Abbott, | Parran, | Negley—6. |

NEGATIVE.

| | | |
|-------------------|------------------|-------------|
| Messrs. | Wooden, | Blackiston, |
| Goldsborough, P't | Jones, of Cecil, | Holloway, |

| | | |
|---------------------|-------------|--------------------|
| Hebb, | Earle, | Lansdale, |
| Thurston, | Scott, | Peter, |
| Wickard, | Pugh, | Clarke, |
| Robinette, | Briscoe, | Berry, of P. Geo., |
| Miller, | Turner, | Marbury, |
| Bond, | Todd, | Lee, |
| Henkle, | Carter, | Brown, |
| Hatch, | Noble, | Wilmer, |
| Kennard, | Keefer, | Billingsley, |
| Brooks, | Markey, | Morgan, |
| Stockbridge, | Annan, | Horsey, |
| Barron, | Baker, | Valliant, |
| Thomas, | Cunningham, | Mullikin, |
| Audoun, | Schlosser, | Dellinger, |
| Berry of Balt. co., | Galloway, | Nyman, |
| Hoffman, | McComas, | Mayhugh, |
| Parker, | Hopper, | Davis, |
| King, | Russell, | Sneary, |
| Larsh, | Hopkins, | Smith, of Wor., |
| Smith, of Carroll, | Sands, | Purnell, |
| Ecker, | Sykes, | Farrow, |
| Swope, | Chambers, | Murray—71. |

So the question upon the adoption of the order, was decided in the negative.

Mr. Galloway submitted the following order :

Ordered, That S. C. Gorrell, one of the Committee Clerks, be designated as Clerk to the Committee on Accounts;

Which was adopted.

Mr. Clarke submitted the following order :

Ordered, That all subjects connected with emancipation and the colored population of the State, be referred to the Committee on the Declaration of Rights.

On motion of Mr. Clarke.

The consideration of the order was postponed.

Mr. Berry, of Baltimore county, asked to be excused from attending the session of the Convention to-morrow, as he was summoned to Baltimore on official business.

There being no objection, he was excused.

Messrs. Sands, Barron and Kennard, were also excused from attendance to-morrow.

Mr. Stockbridge moved that the Convention do now adjourn.

Mr. King moved, as an amendment, that the Convention adjourn until Tuesday next.

The question being on the adoption of the amendment,

The yeas and nays were ordered and appeared as follows :

AFFIRMATIVE.

| | | |
|-----------------|----------|---------|
| Messrs. Miller, | Brooks, | Parran, |
| Harwood, | Barron, | Hodson, |
| Bond, | King, | Peter, |
| Henkle, | Larsh, | Belt, |
| Hatch, | Briscoe, | Lee—15. |

NEGATIVE.

| | | |
|---------------------|-------------|--------------------|
| Messrs. | Scott, | Blackiston, |
| Goldsborough P't | Pugh, | Hollyday, |
| Hebb, | Turner, | Lansdale, |
| Thurston, | Todd, | Clarke, |
| Wickard, | Carter, | Berry, of P. Geo., |
| Robinette, | Noble, | Marbury, |
| Kennard, | Keefer, | Wilmer, |
| Stockbridge, | Markey, | Morgan, |
| Abbott, | Annan, | Horsey, |
| Cushing, | Baker, | Valliant, |
| Thomas, | Cunningham, | Mullikin, |
| Audoun, | Schlosser, | Dellinger, |
| Berry of Balt. co., | Galloway, | Nyman, |
| Hoffman, | McComas, | Negley, |
| Parker, | Hopper, | Mayhugh, |
| Smith, of Carroll, | Russell, | Davis, |
| Ecker, | Hopkins, | Sneary, |
| Swope, | Sands, | Purnell, |
| Wooden, | Sykes, | Farrow, |
| Jones, of Cecil, | Chambers, | Murray—60. |
| Earle, | | |

So the question on its adoption was decided in the negative.

The question recurring upon the motion of Mr. Stockbridge,

It was decided in the affirmative.

The Convention adjourned.

FRIDAY, May 6th, 1864.

The Convention met.

Prayer by the Rev. Mr. Davenport.

The proceedings of yesterday were read.

The resolution submitted by Mr. Abbott on Tuesday last, to wit :

“That this Convention take up the Bill of Rights and Constitution, commencing a careful reading of the same by the Clerk; that as the sections are read each member of the Convention be required to propose in writing such alterations or amendments as he may desire, which shall be submitted without argument or debate during the reading, all said propositions to be printed and referred to appropriate committees, upon whose report ample opportunity shall be given for discussion when the reading shall have been finished and each member has handed in his proposition to alter or amend ; all further proposition to alter or amend shall be deemed out of order,”

Was taken up for consideration on its second reading,

On motion of Mr. Berry, of Prince George's,

The said resolution was referred to the Committee on Rules.

On motion of Mr. Markey,

It was ordered to be entered on the Journal that Frederick Schley, of Frederick county, is detained from his seat in the Convention by indisposition.

On motion of Mr. Morgan,

It was ordered to be entered on the Journal that Chapman Billingsley, of St. Mary's county, is detained from his seat in the Convention by indisposition.

Mr. McComas submitted the following order :

Ordered, that each delegation from the counties and the city of Baltimore, designate some member or members thereof to ascertain the actual number of tax payers in each county and city aforesaid, and report the same to the Committee on Representation, as early as practicable;

Which was adopted.

On motion of Mr. Pugh,

The vote by which the order was passed, was reconsidered.

Mr. Thomas submitted the following amendment :

Ordered, That the County Commissioners of the several counties, and the Appeal Tax Court of the city of Baltimore, be requested to furnish to this Convention a list showing the number of tax payers and the aggregate amount of taxes paid by each county and the city of Baltimore.

Mr. Parran moved to refer the whole subject to the Committee on the Basis of Representation ;

Decided in the affirmative.

Mr. Berry, of Baltimore county, submitted the following order :

Whereas, The President of the Convention has announced, that Major General Lew. Wallace, commanding this Department, Hon's. M. T. Odell, G. W. Julien, B. F. Wade, D. W. Gooch and B. F. Harding, members of Congress, are now in this city ; therefore,

Ordered, That a committee be appointed to wait on the above named gentlemen and invite them to visit the Convention ;

Which was adopted.

The President appointed the following committee in accordance with the above order :

Messrs. Berry, of Baltimore county, Purnell, Daniel, Hollyday, and Berry, of Prince George's.

Mr. Thomas submitted a petition from H. P. Jordan, State Librarian, asking for an increase of salary ;

Which was read, and referred to the Committee on Civil Officers.

Mr. Davis submitted the following order :

Ordered, That the Committee on the Legislative Department inquire into the expediency of reducing the number of the members of the House of Delegates, and of having annual instead of biennial sessions of the Legislature ;

Which was adopted.

Mr. Clarke submitted the following resolutions :

Resolved, That it is inexpedient, in the organization of the

House of Delegates, or the Senate, to adopt a system of representation based exclusively upon population.

Resolved, That the Committee to consider and report upon a basis of Representation in the two Houses of the General Assembly, and a proper apportionment of representation in the same, inquire into the propriety of limiting the number of members of the House of Delegates to eighty, apportioning them among the several counties of the State, according to the population of each, allowing to Baltimore city four more delegates than are allowed to the most populous county, and providing that no county shall be entitled to less two members.

Resolved, That in the organization of the Senate, each county in the State and the city of Baltimore, shall be entitled to elect one Senator who shall serve for six years from the time of election.

Which were read.

Mr. Abbott submitted the following order :

Ordered, That the printer and folders be required to furnish the members with their five extra copies of the Journal, on each successive day;

Which was adopted.

Mr. Scott submitted the following order :

Ordered, That when the Convention adjourn, it adjourn till Tuesday next.

Mr. Stirling moved to amend the order by striking out "Tuesday" and inserting "Monday."

The question being on the adoption of the amendment,

It was decided in the negative.

The question recurring on the adoption of the original order,

On motion of Mr. Stirling,

It was laid on the table.

Mr. Belt moved to reconsider the vote by which the order was laid on the table.

Decided in the affirmative.

The question recurring upon the adoption of the order,

The yeas and nays were ordered and appeared as follows :

AFFIRMATIVE.

| | | |
|------------------|----------|------------------|
| Messrs. Harwood, | Turner, | Sykes, |
| Bond, | Parran, | Blackiston, |
| Henkle, | Todd, | Lansdale, |
| Hatch, | Carter, | Peter, |
| Daniel, | Noble, | Belt, |
| Abbott, | Johnson, | Marbury, |
| Thomas, | Hodson, | Morgan, |
| Scott, | Markey, | Jones, of Som—25 |
| Pugh, | | |

NEGATIVE.

| | | |
|---------------------|---------------------|--------------------|
| Messrs. | Swope, | Berry, of P. Geo., |
| Goldsborough, P't | Wooden, | Lee, |
| Greene, | Earle, | Brown, |
| Hebb, | Smith, of Dorc'h'r, | Wilmer, |
| Wickard, | Keefer, | Horsey, |
| Robinette, | Annan, | Mullikin, |
| Miller, | Baker, | Dellinger, |
| Stockbridge, | Cunningham, | Nyman, |
| Stirling, | Schlosser, | Negley, |
| Cushing, | Galloway, | Mayhugh, |
| Audoun, | McComas, | Davis, |
| Berry, of Balt. co. | Hopper, | Sneary, |
| Hoffman, | Russell, | Smith, of Worc'r, |
| Parker, | Hopkins, | Purnell, |
| King, | Chambers, | Farrow, |
| Larsh, | Hollyday, | Murray—49. |
| Ecker, | Clarke, | |

So the question upon the adoption of the order was decided in the negative.

Mr. Daniel moved that when the Convention adjourns it adjourn to meet on Monday next at 12 o'clock.

The question being on the adoption of the motion,

The yeas and nays were ordered and appeared as follows :

AFFIRMATIVE.

| | | |
|-----------------|---------------------|--------------------|
| Messrs. Greene, | Thomas, | Chambers, |
| Hebb, | Turner, | Lansdale, |
| Miller, | Parran, | Peter, |
| Harwood, | Carter, | Belt, |
| Bond, | Noble, | Marbury, |
| Henkle, | Smith, of Dorc'h'r, | Morgan, |
| Hatch, | Markey, | Jones, of Somerset |
| Daniel, | Hopkins, | Smith, of Wor—26 |
| Abbott, | Sykes, | |

NEGATIVE.

| | | |
|---------------------|-------------|--------------------|
| Messrs. | Earle, | Clarke, |
| Goldsborough, P't | Scott, | Berry, of P. Geo., |
| Wickard, | Pugh, | Lee, |
| Robinette, | Todd, | Brown, |
| Stockbridge, | Johnson, | Wilmer, |
| Stirling, | Keefer, | Horsey, |
| Cushing, | Annan, | Mullikin, |
| Audoun, | Baker, | Dellinger, |
| Berry, of Balt. co. | Cunningham, | Nyman, |
| Hoffman, | Schlosser, | Negley, |
| Parker, | Galloway, | Mayhugh, |
| King, | McComas, | Davis, |
| Larsh, | Hopper, | Sneary, |
| Ecker, | Russell, | Purnell, |
| Swope, | Blackiston, | Farrow, |
| Wooden, | Hollyday, | Murray—47. |

So the question upon the adoption of the motion was decided in the negative.

The order submitted by Mr. Clarke on yesterday, to wit: "that all subjects connected with emancipation and the colored population of the State, be referred to the Committee on the Declaration of Rights,"

Was taken up for consideration.

Mr. Clarke submitted the following amendment :

Ordered, That a Standing Committee to consist of seven members, be appointed by the President of the Convention, to be styled "A Committee to consider and report upon the Colored Population of the State."

On motion of Mr. Hebb,

The amendment was laid on the table.

Mr. Negley submitted the following resolution :

Resolved, That the true theory of representation in popular Governments, is that of representation according to population, except in such cases where a portion of the population is denied the exercise of the right of suffrage, in which case representation ought to be according to the population endowed with the elective franchise;

Which was read.

Messrs. Lansdale, Peter, Pugh, Marbury, Parran and Scott were excused from attending the session of the Convention tomorrow.

Mr. Daniel submitted the following order :

Ordered, That a copy of the Rules of the House of Delegates be furnished by the Librarian to each member of this Convention ;

Which was rejected.

The Convention adjourned.

SATURDAY, May 7th, 1864.

The Convention met.

Prayer by the Rev. Mr. Owen.

The proceedings of yesterday were read.

Mr. Stirling submitted the following order :

Ordered, That the Stenographer appointed by virtue of the third section of the Convention Bill, is hereby appointed the permanent Stenographer of the Convention.

On motion of Mr. Berry, of Prince George's,

The said order was referred to the Committee on Reporting and Printing.

The Convention adjourned.

MONDAY, May 9th, 1864.

The Convention met.

Prayer by the Rev. Mr. Patterson.

The proceedings of Saturday were read.

The resolutions submitted by Mr. Clarke, on Friday last, in reference to representation in the Senate and House of Delegates,

Were taken up.

By general consent, the resolutions were amended by Mr. Clarke, so as to add, at the end of the second resolution, as follows:

‘ Or in case the said Committee shall determine that it is expedient, in the organization of the House of Delegates, to adopt a principle more nearly approximating representation according to population, (Baltimore city inclusive,) then the said Committee shall inquire whether a provision ought to be inserted in the Constitution dividing the city of Baltimore into districts, each district to elect two members of the House of Delegates, and, as the purity of elections is the best safeguard of republican institutions, providing for the passage by the Legislature of a registry law for the whole State.’

Mr. Clarke also submitted the following:

*Apportionment of Representation in the House of Delegates,
under the Resolutions offered by Mr. Clarke, of Prince
George's county:*

| COUNTIES. | Population by Census of 1860. | Number, showing fractional part when di- vided by 7,000 unit of repre- sentation, ex- cluding Balti- more city. | No. of Del. to which each will be entitled. |
|------------------------|----------------------------------|--|---|
| Baltimore city,..... | 212,418 | 12. | 12 |
| Allegany,..... | 28,348 | 4. $\frac{348}{7000}$ | 4 |
| Anne Arundel,..... | 23,900 | 3. $\frac{900}{7000}$ | 3 |
| Baltimore county,..... | 54,135 | 7. $\frac{135}{7000}$ | 8 |
| Calvert,..... | 10,447 | 1. $\frac{447}{7000}$ | 2 |
| Caroline,..... | 11,129 | 1. $\frac{129}{7000}$ | 2 |
| Carroll,..... | 24,533 | 3. $\frac{533}{7000}$ | 4 |
| Cecil,..... | 23,862 | 3. $\frac{862}{7000}$ | 3 |
| Charles,..... | 16,517 | 2. $\frac{517}{7000}$ | 2 |
| Dorchester,..... | 20,461 | 2. $\frac{461}{7000}$ | 3 |
| Frederick,..... | 46,591 | 6. $\frac{591}{7000}$ | 7 |
| Harford,..... | 23,415 | 3. $\frac{415}{7000}$ | 3 |
| Howard,..... | 13,338 | 1. $\frac{338}{7000}$ | 2 |
| Kent,..... | 13,267 | 1. $\frac{267}{7000}$ | 2 |
| Montgomery,..... | 18,322 | 2. $\frac{322}{7000}$ | 3 |
| Prince George's,..... | 23,327 | 3. $\frac{327}{7000}$ | 3 |
| Queen Ann's,..... | 15,961 | 2. $\frac{961}{7000}$ | 2 |
| St. Mary's,..... | 15,213 | 2. $\frac{213}{7000}$ | 2 |
| Somerset,..... | 24,992 | 3. $\frac{992}{7000}$ | 4 |
| Talbot,..... | 14,795 | 2. $\frac{795}{7000}$ | 2 |
| Washington,..... | 31,417 | 4. $\frac{417}{7000}$ | 4 |
| Worcester,..... | 20,661 | 2. $\frac{661}{7000}$ | 3 |
| Total,..... | 687,049 | | 80 |

The above apportionment is obtained by deducting from the whole population of the State, 687,049, the population of Baltimore city, 212,418, which leaves the population of the State, exclusive of Baltimore city, 474,631. Giving to Baltimore city twelve members, (four more than Baltimore county,) this leaves sixty-eight members to be apportioned among the counties according to population, allowing no county less than two members. Dividing the population of the counties, 474,631 by 68, gives the unit of representation, in round numbers, 7,000. Then dividing the population of each county by

this unit of representation, and assigning to the counties having the largest fractions one additional member until the whole reaches eighty members, the above apportionment is obtained ;

Which, with the resolutions,

On motion of Mr. Clarke,

Was referred to the Committee on the Basis of Representation.

The resolution submitted by Mr. Negley, on Tuesday, in reference to representation,

Was taken up.

On motion of Mr. Stockbridge,

The said resolution was referred to the Committee on the Basis of Representation.

Mr. Nyman submitted the following order :

Ordered, That the Committee on the Legislative Department inquire into the propriety of abolishing the clause in our present Constitution disqualifying any Minister or Preacher of any denomination from being eligible as Senator or Delegate ;

Which was adopted.

Mr. Stockbridge submitted the following order :

Ordered, That the Committee on the Rights, Duties, Divisions and Sub-divisions of Counties, be instructed to inquire into the expediency of dividing the several counties of the State into Wards or Townships, in place of the present Election Districts ; such Wards or Townships to be permanent political incorporations, and vested with all powers necessary for their local government ;

Which was adopted.

Mr. Belt submitted the following resolution :

Resolved, That if the principle contained in the resolution of the gentleman from Washington county, be correct, in asserting that, under a republican system, population is the true basis of representation, excluding all classes not endowed with the right of suffrage, then the authors of the Constitution of the United States were uninformed of the principles of republicanism, in that they admitted all free persons, and

even a large proportion of slaves, as within the basis upon which the States are represented in the Federal Congress;

Which was read.

The Convention adjourned.

TUESDAY, May 10th, 1864.

The Convention met.

Prayer by the Rev. Mr. McNamar.

The proceedings of yesterday were read.

The President laid before the Convention the following communication from the Comptroller,

Which was read and referred to the Committee on the Judiciary Department, and ordered to be printed on the Journal.

TREASURY DEPARTMENT,

COMPTROLLER'S OFFICE,

Annapolis, May 10th, 1864.

To the President of the Convention :

SIR,—In obedience to an order of the Convention, adopted on the 4th instant, requiring the Comptroller of the Treasury to report “a statement of the aggregate amount paid by the State to special counsel employed by the Executive, or other officers of the State, since the adoption of the present Constitution, and also the amount paid to special Judges,” I have the honor to submit the following statements, A and B, embracing the information asked for by the Convention.

Respectfully yours,

HENRY H. GOLDSBOROUGH,
Comptroller.

STATEMENT A.

Payments to Attorneys employed by the Governor or other Officers of the State, from July 4th, 1851, to May 7th, 1864.

| | | | |
|-----------|--|--|------------|
| 1852. | | | |
| May 31. | To Robert J. Brent, State vs. Hanaway,..... | | \$1,200 00 |
| | “ James Cooper, “ “ | | 1,000 00 |
| June 4. | “ Otho Scott and Jas. M. Buchanan, Comm’rs to Pennsylvania in case of Archibald G. Ridgely,..... | | 1,500 00 |
| 1853. | | | |
| April 25. | “ Robt. J. Brent, State vs. Milburn, Crain & Lee,..... | | 600 00 |
| June 6. | “ Jas. Lloyd Martin, State vs. Theodore Lookerman, | | 450 00 |
| June 7. | “ Otho Scott, State of Pennsylvania vs. Archibald G. Ridgely, | | 562 50 |
| “ “ | “ James M. Buchanan, State of Pennsylvania vs. Archibald G. Ridgely, | | 562 50 |
| 1854. | | | |
| Feb’y 17. | “ Henry M. Murray, State vs. W. M. Chauvenet, | | 100 00 |
| April 3. | “ Chas. F. Mayer, Thomas vs. Owens, Treasurer, | | 200 00 |
| | “ Jarvis Spencer, “ “ | | 200 00 |
| Sept. 21. | “ A. R. Sollers, State vs. T. C. Worthington, | | 450 00 |
| 1856. | | | |
| Feb’y 1. | “ Henry M. Murray, State vs. McPherson Lyles, | | 100 00 |
| 12. | “ Bradley T. Johnson, “ “ Flannigan, | | 100 00 |
| | Amount carried forward, | | \$7,025 00 |

| | | | |
|-------------------------|--------------------------|--|-------------|
| May 10. | " James Revell, | " " Christie, | 100 00 |
| 25. | " R. S. Reeder, | " " Sundry persons, | 200 00 |
| 31. | " Thomas J. Wilson, | Schley vs. Comptroller, | 100 00 |
| June 26. | " Brice J. Goldsborough, | State vs. Solomon Wilson, | 50 00 |
| 1860. | | | |
| Jan'y 21. | To James T. McCullough, | Cantwell vs. Owens, | 200 00 |
| Feb'y 14. | " Charles W. Webster, | Parrish vs. State, | 200 00 |
| 29. | " N. Brewer, of Jolin, | Green vs. Comptroller, | 150 00 |
| March 8. | " James M. Schley, | State vs. N. D. Smith, | 400 00 |
| 12. | " Daniel M. Henry, | " " Thomas E. Williams, | 300 00 |
| 13. | " I. Nevitt Steele, | " " Susquehanna Steam Co., | 200 00 |
| 17. | " J. A. Lynch, | " " Ann Hammond, | 150 00 |
| 26. | " W. Viers Bouie, | " " Rhody Ricketts, | 200 00 |
| 29. | " James Revell, | " " James Wedge and others, | 600 00 |
| Nov. 24. | " J. T. Briscoe, | " " W. Billingsley, | 200 00 |
| 1861. | | | |
| April 24. | " Jervis Spencer, | " " Baltimore city, | 200 00 |
| 1862. | | | |
| Mar. 26. | " William Price, | " " Baltimore & Ohio R. Co., | 300 00 |
| " " | " George Vickers, | " " Albert Reed, | 200 00 |
| April 2. | " William Price, | " " Balto. & Ohio R. Co. and St. John's College, | 1,200 00 |
| " " | " Randall & Hagner, | " " Balto. & Ohio R. R. and others, | 1,100 00 |
| 3. | " T. Yates Walsh, | " " N. Hickman, | 150 00 |
| | " W. H. Dallam, | " " Jarrett and Harwood, | 100 00 |
| Amount carried forward, | | | \$18,675 00 |

STATEMENT A.—(Continued.)

| | | |
|-----------|--|-------------|
| | Amount brought forward,..... | \$18,675 00 |
| April 9. | To E. W. Webster, State vs. J. Montgomery and others,.... | 500 00 |
| 10. | “ Milton Whitney, “ “ Sundry persons, five cases,..... | 1,000 00 |
| 25. | “ Thomas Donaldson, “ “ Harwood,..... | 200 00 |
| “ | “ T. S. Alexander, “ “ Jarrett and Harwood,..... | 400 00 |
| June 18. | “ Ezekiel F. Chambers, “ “ Solomon Wilson,..... | 300 00 |
| 1864. | | |
| Feb'y 19. | “ Neilson Poe, “ “ Balto. & Ohio R. R. Co.,..... | 1,000 00 |
| Mar. 9. | “ William Schley, “ “ “..... | 500 00 |
| 19. | “ N. Brewer, Jr., “ “ Hoffman,..... | 100 00 |
| 21. | “ T. G. Pratt, “ “ Jarrett and Harwood,..... | 400 00 |
| 24. | “ H. W. Archer, “ “ “..... | 300 00 |
| “ | “ Jonathan Meredith, Myers vs. State of Pennsylvania,..... | 500 00 |
| April 28. | “ Ezekiel F. Chambers, State vs. Solomon Wilson,..... | 200 00 |
| May 3. | “ William J. Jones, sundry cases,..... | 400 00 |
| | | |
| | | \$24,475 00 |

STATEMENT B.

Payments to Special Judges from July 4th, 1851, to May 7th, 1864.

| | |
|--|---------------------------|
| From July 4th, 1851, to Sept. 30th, 1854, | \$2,207 60 |
| For the fiscal year ending Sept. 30th, 1855, | 2,117 00 |
| “ “ “ “ Sept. 30th, 1856, | 4,547 40 |
| “ “ “ “ Sept. 30th, 1857, | 3,850 00 |
| “ “ “ “ Sept. 30th, 1858, | 6,279 20 |
| “ “ “ “ Sept. 30th, 1859, | 2,032 20 |
| “ “ “ “ Sept. 30th, 1860, | 2,312 20 |
| “ “ “ “ Sept. 30th, 1861, | 1,933 60 |
| “ “ “ “ Sept. 30th, 1862, | 1,328 40 |
| “ “ “ “ Sept. 30th, 1863, | 2,148 00 |
| From Sept. 30th, 1863, to May 7th, 1864, | 436 90 |
| | <u><u>\$29,492 50</u></u> |

Mr. Dellinger submitted the following order :

Ordered, That the Committee on the Executive Department be instructed to inquire into the expediency of creating the office of Lieutenant Governor, and to provide for his election ;

Which was adopted.

Mr. Marbury submitted the following order :

Ordered, That one paper having the largest circulation in each county, be furnished this Convention, to be kept on file in the Library, for reference, by the members.

Mr. Abbott submitted the following amendment :

Amend by allowing each member to subscribe for one copy of such paper as he may desire.

On motion of Mr. Hebb,

The order and amendment were laid on the table.

Mr. Galloway submitted the following order :

Ordered, That the Committee on the Judiciary Department be requested to inquire into the expediency of changing the Sixth Judicial Circuit, composed of Baltimore, Harford and Cecil counties, into two separate and distinct Circuits ;

Which was adopted.

Mr. Hebb submitted the following order :

Ordered, That the Committee on Accounts be requested to fix the per diem and mileage of the officers of the Convention, and report the same to the Convention for its action at as early a day as possible ;

Which was adopted.

Mr. Clarke submitted the following order :

Ordered, That the Committee on the Judiciary inquire how far this Convention is limited in its powers by the existing Constitution of the State, and the act of Assembly providing for the call of the Convention, and report to this Convention at as early a day as practicable ;

Which was rejected.

The Convention adjourned.

WEDNESDAY, May 11th, 1864.

The Convention met.

Prayer by the Rev. Mr. Owen.

The proceedings of yesterday were read.

The President laid before the Convention a communication from the Executive, enclosing the returns of a special election held in Charles county, for a delegate to the Convention ;

Which was read and referred to the Committee on Elections.

The qualifications of E. P. Duvall, member elect from Montgomery county, and Peregrine Davis, member elect from Charles county, in the place of Frederick Stone, declined, were presented, and the gentleman named appeared and took their seats.

Mr. Daniel submitted the following order :

Ordered, That the Reverend Messrs. Davenport, Patterson, McNemar and Owens, be requested to be present alternately, at each of the sessions of this Convention, and open the same with prayer ;

Which was adopted.

The resolution submitted by Mr. Belt, on Tuesday, to wit:

Resolved, That if the principle contained in the resolution of the gentleman from Washington county be correct, in asserting that, under a republican system, population is the true basis of representation, excluding all classes not endowed with the right of suffrage, then the authors of the Constitution of the United States, were uninformed of the principles of republicanism, in that they admitted all free persons, and even a large proportion of slaves as within the basis upon which the States are represented in the Federal Congress ;

Was taken up.

By general consent, the order was withdrawn by Mr. Belt.

Mr. Stockbridge submitted the following order :

Ordered, That the President of this Convention be requested to increase the Committee on the Judiciary Department, by adding thereto two members ;

Which was adopted.

The President appointed Messrs. Thruston and Daniel, in accordance with the above order.

Mr. Sneary submitted the following order :

Ordered, That the Treasurer of the State of Maryland, upon the order of the President of this Convention, pay to Alfred Miller, who has been temporarily discharging the duties of Page, the per diem and mileage allowed to the permanent Pages, for the number of days of service which he may have rendered ;

Which was adopted.

Mr. Purnell submitted the following order :

Ordered, That the Committee to consider and report respecting the Elective Franchise, be instructed to inquire into the expediency of incorporating into the Constitution an article extending the right of suffrage to soldiers, drafted or enlisted from this State into the service of the United States, and who may be out of this State, and in the service of the United States at the time of any election in this State, and that the Legislature at its next session provide by law for the holding an election in the regiments to which such soldiers may belong, under such restrictions and regulations as may be deemed necessary to guard the purity of the ballot-box ;

Which was adopted.

Mr. Markey submitted the following order :

Ordered, That the Committee on the Judiciary inquire into the expediency of giving to the Orphans' Courts of the several counties and the city of Baltimore, jurisdiction over the real estate of persons dying intestate where the valuation thereof does not exceed the sum of three thousand dollars ;

Which was adopted.

Mr. Mayhugh submitted the following order :

Ordered, That the Committee on the Legislative Department be directed to inquire into the expediency of providing for the disposal of the incorporate stocks of the State ;

Which was adopted.

Mr. Ridgely submitted the following order :

Ordered, That the Committee on the Judiciary, consider whether by abolishing the fees of office, and the substitution of some other mode of compensation, or otherwise, the character of the office of Justice of the Peace, may not be elevated and the administration of the office to be made more efficient and faithful ;

Which was adopted.

Mr. Galloway, from the Committee on Accounts, submitted the following

REPORT.

To the Honorable,

The Gentlemen of the Convention :

In compliance with the order of the Convention, the Committee on Accounts respectfully report, that after canvassing the various duties assigned to each, they have allowed to each officer the following sums, to wit :

To William R. Cole, Secretary, five dollars per diem and mileage.

To John H. Shaw, Assistant Secretary, five dollars per diem and mileage.

To A. D. Evans, Sergeant-at-Arms, five dollars per diem and mileage.

To each of the Committee Clerks, five dollars per diem and mileage.

To each of the Post Masters, five dollars per diem and mileage.

To each of the Doorkeepers, five dollars per diem and mileage.

To each of the Folders, five dollars per diem and mileage.

To the Chief Page, five dollars per diem and mileage.

To the Assistant Pages, four dollars per diem and mileage.

To the Lamp Lighter, four dollars per diem.

To each of the Keepers of Committee Rooms, four dollars per diem.

To Keeper of Water Closets, four dollars per diem.

WM. GALLOWAY,
THOMAS RUSSELL,
HENRY BAKER,
WM. S. WOODEN,
E. L. PARKER.

Which was read and concurred in.

Mr. Scott submitted the following order :

Ordered, That the Committee on the Judiciary be instructed to consider and report on the propriety of electing the following officers at an election specially for that purpose, viz.: Justices of the Peace, Constables and Road Supervisors;

Which was adopted.

The Convention adjourned.

THURSDAY, May 12th, 1864.

The Convention met.

Prayer by the Rev. Mr. McNemar.

Present at the call of the roll, the following members:

Messrs. Goldsborough, President, Hebb, Thurston, Wickard, Robinette, Miller, Harwood, Bond, Henkle, Kennard, Brooks, Stockbridge, Stirling, Barron, Daniel, Abbott, Cushing, Thomas, Berry, of Baltimore county, Ridgely,

Hoffman, Parker, King, Larsh, Ecker, Swope, Wooden, Jones, of Cecil, Earle, Scott, Pugh, Turner, Edelen, Davis, of Charles, Mitchell, Todd, Carter, Dail, Johnson, Smith, of Dorchester, Hodson, Keefer, Schley, Markey, Annan, Baker, Cunningham, Schlosser, Galloway, McComas, Hopper, Russell, Hopkins, Sands, Sykes, Chambers. Blackiston, Hollyday, Lansdale, Peter, Duvall, Clarke, Marbury, Lee, Brown, Wilmer, Morgan, Jones, of Somerset, Crawford, Gale, Horsey, Valliant, Mullikin, Nyman, Negley, Mayhugh, Davis, of Washington, Sneary, Smith, of Worcester, Purnell, Murray.

The proceedings of yesterday were read.

Mr. Pugh submitted the following order :

Ordered, That there be appointed by the President a Revising Clerk, whose duty it shall be to correct the debates, as directed by the Speaker, superintend the printing thereof, index the Journal of Proceedings, the Debates and the Constitution, and to perform such other duties as may be suggested by the Committee on Reporting and Printing ;

Which was adopted.

Mr. Bond submitted the following order :

Ordered, That the Committee on the Judiciary be instructed to inquire into the Expediency of providing as follows :

1st. That there shall be five Judges of the Court of Appeals, who shall hold office during life, unless removed for cause, with a salary of three thousand five hundred dollars per annum each.

2nd. That there shall be one Judge for each county, who shall reside at or near the capital or county town of his county; who shall have and exercise all the powers and jurisdiction in said county of the Circuit Courts of the respective counties, including the jurisdiction in chancery, and also, in all matters relating to testamentary affairs, with all the powers and jurisdiction of the Orphans' Courts; who shall hold their offices during life, unless removed for cause, with a salary of three thousand dollars per annum each.

3rd. That the State shall be divided into five districts, and one Judge of the Court of Appeals shall be elected by the qualified voters in each of said districts.

4th. That the State shall be also divided into ten Judicial Districts, of two counties each, and two Judges shall be in like manner elected for each of said districts, one of whom shall reside in each of the counties composing the district.

5th. That there shall be two terms yearly in each of said counties for the dispatch of judicial business, in which the Judge of the Court of Appeals for the district in which the Court shall sit shall preside, so that each Court shall be held by three Judges, except in cases of illness or other necessary absence.

6th. That the Orphans' Courts shall be abolished.

7th. That a separate judicial system for the city of Baltimore, shall be established.

Which was adopted.

On motion of Mr. Hebb,

It was ordered to be entered on the Journal that Albert C. Greene is absent from his seat to-day in consequence of attendance upon official duties as Director of the Chesapeake and Ohio Canal Company.

Mr. Valliant submitted the following order:

Ordered, That when this Convention adjourns to-day, it adjourn to meet on Wednesday next, at 12 o'clock, and that the members be allowed pay for only three of the days intervening between to-day and the day herein indicated for the re-assembling of the Convention ;

On motion of Mr. Hebb,

The order was laid on the table.

On motion of Mr. Thurston,

He was excused from serving as a member of the Committee on Militia.

Mr. Abbott submitted the following order :

Ordered, That the President of this Convention be requested to use all the power that is or may be vested in him to secure the attendance of members to both the sittings of the Convention and meetings of the respective Committees ;

On motion of Mr. Jones, of Somerset,

The order was laid on the table.

Mr. Hebb submitted the following order :

Ordered, That the President of the Convention be requested to appoint two additional members on the Committee on Basis of Representation, the Committee on Legislative Department, and the Committee on Elective Franchise and Qualification of Voters ;

Which was adopted.

On motion of Mr. Nyman,

It was ordered to be entered on the Journal that Mr. Delinger, of Washington county, is absent from his post to-day in attendance, at Washington city, on official business.

Mr. Sneary submitted the following order:

Ordered, That the Committee on the Tenure, Duties and Compensation of all civil offices not embraced in the duties of the Standing Committees, inquire into the expediency of abolishing the office of Commissioners of Public Works;

Which was adopted.

Mr. Kennard, from the Committee on Rules, submitted the following report:

Which was read and ordered to be printed.

REPORT:

The Committee appointed to prepare Rules for the Convention beg leave respectfully to make the following report:

CONVENTION.

Rule 1. The Convention shall not sit with closed doors, and in no case shall the Hall, where it may be holding its sittings, be cleared of spectators, except in cases of disorder.

THE DUTIES OF THE PRESIDENT.

Rule 2. The President shall take the Chair every day precisely at the hour to which the Convention stands adjourned; shall immediately call the members to order and after Divine service has been performed, on the appearance of a quorum, shall cause the Journal of the preceding day to be read.

Rule 3. The President shall preserve decorum and order; may speak to points of order in preference to other members; shall decide questions of order, (unless the yeas and nays be required,) subject to an appeal to the House by any two members, (in which appeal no member shall speak more than once, unless by leave of the Convention,) and he may vote on every question, except on an appeal from the decision of the Chair on a question of order.

Rule 4. The President shall examine and correct the Journal before it is read; he shall have a general direction of the Hall; he shall have a right to name, from time to time, any member to perform the duties of the Chair, but such substitution shall not extend beyond a term of _____ days; he shall appoint all Committees, unless otherwise directed by the Convention.

Rule 5. No person shall be admitted within the bar of the Convention but members of the Executive and Judiciary departments, members of the General Assembly, and such other persons as may be invited by the President.

Rule 6. The President (or Chairman of the Committee of the Whole) may order the Lobby to be cleared in case of disorder.

ORDER OF BUSINESS.

Rule 7.—Section 1. The Secretary shall read the Journal of the preceding day; after the reading thereof, the Journal may be corrected, unless one member objects. In case of such objection, a majority of the members present shall be required to make the desired correction.

Sec. 2. The presentation and disposition of petitions, memorials or other papers.

Sec. 3. Orders and resolutions.

Sec. 4. Reports of Standing Committees.

Sec. 5. Reports of Select Committees.

Sec. 6. Reports of Committees on their second reading.

Sec. 7. Reports of Committees on their third reading.

Sec. 8. Deferred or unfinished business.

Sec. 9. The order of the day.

PETITIONS, MEMORIALS, ORDERS AND RESOLUTIONS.

Rule 8. Petitions, memorials, orders, resolutions and other papers, when presented, must be endorsed with the name of the member by whom they are presented.

Rule 9. All orders submitted to the Convention (after being read) may be acted upon immediately, postponed or otherwise disposed of, as a majority of the members present may direct.

Rule 10. Any subject matter before the Convention awaiting consideration may, on motion, (if a majority of the Convention so determine,) be fixed as the order of the day at such time as may be directed under the provisions of these Rules.

Rule 11. All orders, resolutions and reports, or other matter, after being submitted to the Convention, (when not fixed for a day certain,) shall be rated under the head of "deferred

or unfinished business," and shall come up for consideration in the order of time in which they were presented.

ORDER OF THE DAY.

Rule 12. The Order of the Day shall not be so fixed in point of time as to exclude the business of the Convention in the order and divisions prescribed under these Rules, but shall be fixed so that one hour, at least, from the time of the meeting of the Convention shall precede it for the transaction of other business. When the time arrives for the Order of the Day to be taken up, it shall have preference over all other business except the unfinished business in which the Convention was engaged at the preceding adjournment, under a previous assignment as the order of the day.

Rule 13. Every subject matter proposed to be considered in the Convention shall be introduced by motion for leave, by an order of the Convention, or on the report of a Committee, and in either of the two cases first mentioned, a Committee to prepare the same shall be appointed, unless the same subject matter is embraced in the duties assigned to one or more of the Standing Committees.

Rule 14. Every Committee, reporting any Conventional business for the consideration of the Convention embracing provisions for the Constitution, shall submit its reports (whether in the form of a majority or minority report) in articles, and without being accompanied by a written report, assigning reasons and arguments sustaining the same.

Rule 15. Every report from a Committee, containing articles or sections proposed to be made a part of the Constitution, shall receive three readings in the Convention, on three different days of the session previous to its adoption, unless a majority of the members elected to the Convention otherwise determine; the first of which readings shall be by the title only, unless a majority of the Convention shall otherwise order.

Rule 16. Every resolution shall be read on two several days, with an intermission of one day at least, during which time it shall be on the table for the perusal of members, unless on very urgent occasions, the Convention by special order, two-thirds of the members present agreeing, dispense with the Rule, which order shall be entered on the Journal.

Rule 17. No resolution shall have a second reading, or a report a third reading, until every member in the city who has not been excused by the Convention for indisposition, or a necessary attendance on public business, shall be called upon

to attend, if required, by three members. But calls of the Convention shall be made is required by seven members, at any time, when a subject is under consideration

Rule 18. All resolutions which have been once read, and are entitled to a second reading, and all reports which have been once or twice read, and are entitled to a second or third reading by the Rules of the Convention, shall be arranged every morning agreeably to seniority by the Secretary, placed on the President's desk, taken up by him in due order, the date of their last reading announced, and read a second or third time, although no motion for a second or third reading may have been made.

Rule 19. All reports from Committees containing clauses proposed to be made part of the Constitution, shall be entered on the Journal, and also printed in form similar to bills.

COMMITTEE OF THE WHOLE.

Rule 20. The Convention shall be resolved into a Standing Committee of the Whole, if required by nine members, which Committee may originate articles or clauses to be embodied in the Constitution. Reports of Committees containing clauses proposed to be embodied in the Constitution on their third reading, and resolutions on their second reading shall, if required by seven members, be committed to a Committee of the Whole.

Rule 21. In forming a Committee of the Whole, the President of the Convention shall leave his Chair, and a Chairman to preside in Committee shall be appointed by the President.

Rule 22. Upon reports of Committees, resolutions or other matters committed to a Committee of the Whole, the same shall be first read throughout by the Secretary, and then again read and considered by clauses. The body of the report, resolution, or other matter, shall not be defaced or interlined, but all amendments noting the page and line shall be duly entered by the Secretary on separate paper, as the same shall be agreed to by the Committee, and so reported to Convention. After report, the report, resolution, or other matter shall again be subject to be debated and amended by clauses.

Rule 23. The Secretary shall keep a Journal of the proceedings which take place in Convention of the Whole, and the same shall be printed separately and appended after the Journal of the proceedings of the day's session.

OF DECORUM, DEBATE, &c.

Rule 24. Every member shall take his seat when the President takes the Chair.

Rule 25. No member shall absent himself from the service of the Convention unless he have leave, or be sick, or unable to attend.

Rule 26. When a member is about to speak in debate, or deliver any matter to the Convention, he shall rise from his seat, uncovered, and respectfully address himself to "*Mr. President.*" He shall confine himself to the question under debate; shall avoid personality, and shall use some other distinction than the proper name of any other member to whom he may refer in debate.

Rule 27. If two or more members shall rise to speak at the same time, the President shall determine which shall speak first, and no member shall speak more than twice on the same question; nor more than once, until every member choosing to speak shall have spoken.

Rule 28. If any member shall, in any manner, transgress the Rules of the Convention, the President shall, or any member may call him to order; in which case, the member so called to order, shall immediately sit down, unless permitted to explain; and the Convention shall, if appealed to, decide on the case, but without debate. If there be no appeal, the decision of the Chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, he shall not be permitted to proceed without leave of the Convention; and, if the case require it, he shall be liable to the censure of the Convention.

Rule 29. No member shall vote on any question in any case where he was not present when the vote was taken, without leave of the Convention; and upon a division and count of the Convention on any question, no member without the bar shall be counted.

Rule 30. Every member who shall be in the Convention when the question is put shall give his vote, unless the Convention, for special reasons, shall excuse him. And the refusal of any member present to vote, on calling the yeas and nays, shall be noted on the Journal at the request of any member.

Rule 31. No member without the permission of the Convention shall answer on the yeas and nays who did not divide on the question; and if any member divide on one side

and answer on the other on calling the yeas and nays, the same shall be noted on the Journal at the request of any member.

Rule 32. No member shall take out of the Convention any paper belonging to the Convention, without leave of the President.

Rule 33. Any member, on motion, or in debate, may call for the reading of any Law, Journal, Record, or other Public Proceedings, which may relate to the subject matter.

Rule 34. The name of every member making a motion, presenting any Petition, Memorial or other Paper, proposing any Resolution, Order, or other Matter, shall be inserted on the Journal; but if any motion or proposition be withdrawn, all proceedings relating immediately thereto shall be expunged from the Journal.

Rule 35. Whilst the President is putting any question, or addressing the Convention, none shall walk out or cross the Hall; nor in such case, or while a member is speaking, shall hold private discourse, so as to interrupt debate.

Rule 36. When a motion is made and seconded, it shall be stated by the President; or being in writing, it shall be handed to the Chair and read aloud by the Secretary before debate; and every motion shall be reduced to writing if the President or any member require it.

Rule 37. When a motion is made and seconded, or when a question is under debate, the matter shall receive a determination by the question; or it may be postponed by a motion to adjourn, to lie on the table, for the previous question, to postpone to a day certain, to commit or amend, to postpone indefinitely; which several motions shall have precedence in the order in which they are arranged.

Rule 38. On a motion for the previous question, on a motion for the main question, on a motion to lie on the table, on a motion to adjourn, there shall be no debate.

Rule 39. Every question shall be entered on the Journal, and the yeas and nays shall be taken when required by five members; and whenever the yeas and nays are ordered to be taken, no question of adjournment shall be received or propounded by the President until the yeas and nays are called, counted and reported.

Rule 40. Any member may call for the division of a question, which shall be divided, if it comprehend propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the Convention.

Rule 41. A motion to strike out and insert shall be deemed indivisible; but the matter proposed to be inserted may be divided, if required, according to the 40th Rule. A motion to strike out being lost, shall preclude neither amendment nor a motion to strike out and insert. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

Rule 42. All questions, except on the final passage of a report, or a motion to suspend the Rules, or those otherwise herein provided for, shall be determined by a majority of the members present; those dividing in the affirmative rising in their places, those in the negative continuing in their seats, and so *vice versa*, until a decision by the President.

Rule 43. The question on the final passage of any subject matter shall always be determined by yeas and nays, which shall be recorded on the Journal; and unless it shall thus appear that a majority of the whole number of members elected to the Convention have voted in the affirmative, the subject matter voted on shall be declared rejected.

Rule 44. When a question has once been decided in the affirmative or negative, a motion of reconsideration shall be in order, if made by one member and seconded by two others who voted in the majority at any time thereafter; but should a report, on its final passage, be declared rejected for the want of a majority of the members elected, the motion for reconsideration may be made by one member and seconded by two others who voted in either the affirmative or negative; and no motion for reconsideration shall be postponed or laid on the table.

Rule 45. Petitions, memorials and other papers addressed to the Convention, shall be presented by the President, or by a member in his place; and the object of all petitions and memorials shall be endorsed on the back, and entered on the Journal.

Rule 46. The unfinished business in which the Convention was engaged at the preceding adjournment, shall have the preference in the orders of the day; and no motion or any other business shall be received without the special leave of the Convention, until the former is disposed of.

Rule 47. The Rules of Parliamentary Practice shall govern the Convention in all cases to which they are applicable, and in which they are not inconsistent with the Standing Rules and Orders of the Convention.

Rule 48. Upon calls of the Convention, or in taking the

yeas and nays on any question, the names of the members shall be called alphabetically.

Rule 49. The Rules may be suspended when demanded by a majority of the members present.

Rule 50. Any fifteen members, (including the President,) shall be authorized to compel the attendance of members.

Rule 51. No Committee shall sit during the sitting of the Convention, without special leave.

Rule 52. When a blank is not filled up, and different sums, numbers or times shall be proposed, the question shall be taken on the largest sum or number, and on the longest time.

Rule 53. After a report of any Committee (embodying proposed provisions for the Constitution) has passed through its second reading, the question shall then be put by the President of the Convention "Shall this report be engrossed for a third reading?" After any report of a Committee has passed to a third reading, it shall not be in order to amend the same, except by the consent of the majority of the members elected to the Convention.

PREVIOUS QUESTION.

Rule 54. There shall be a "main question" and a "previous question" in the consideration of reports of Committees.

Section 1. The main question on the report of any Committee shall only be called after the said report has passed to its third reading, and shall be in this form: "Shall the main question be now put?" and when demanded by a majority of the members present, it shall, until it is decided, preclude all further amendment, and debate on the main question.

Sec. 2. The previous question shall be in this form: "Shall the previous question be now put?" It may be called on any amendment offered to the report of any Committee, when the same is on its second reading; and when demanded by a majority of the members present, it shall, until it is decided, preclude all further amendment and debate on the question before the Convention; but shall not preclude further amendments while the said report is on its second reading.

Sec. 3. The Rules of Parliamentary Practice on the call of the previous question on all other subject shall govern the Convention.

Rule 55. No Standing Rule or Order shall be rescinded or changed without one day's notice being given of the motion therefor.

GENERAL RULES.

Rules defining the several duties of the Secretaries, Clerks, Officers and Employees of the Convention.

GENERAL RULES.

1st. All Clerks, Officers and Employees shall be prompt in their attendance at each opening of the Convention, and shall remain at their several posts during the entire sitting of the Convention, ready to render any service in accordance with their several duties.

2d. No Clerk, Officer or Employee shall be absent at *any time* during the sittings of the Convention, unless by permission of the President, nor absent himself from the service of the Convention unless by permission asked (in writing) and obtained from the Convention during its sitting.

3d. Upon proper information and just complaint, the President is authorized to suspend any Clerk, Officer or Employee, and shall report the fact to the Convention at its then or next sitting.

THE SECRETARY

Shall keep a correct record of the proceedings and the business of the Convention, and shall have the same printed in Journal form.

Shall (under Rule 4th) submit a proof copy of the same to the President for examination and correction.

Shall (under Rule 2d) read to the Convention the Journal of Proceedings.

Shall (under Rule 18th) arrange every morning all Resolutions which have been read *once* and are entitled to a *second* reading, all Reports and other matter which have been read *once* or *twice*, and are entitled to a *second* or *third* reading, and place the same agreeably to seniority, on the President's table.

Shall certify and endorse with the date all Orders, Resolutions, Reports, or matter which has passed the Convention.

THE ASSISTANT SECRETARY

Shall call the roll each day at the opening of the Convention, read all Orders, Resolutions, Reports, and other matter when handed him by the President.

THE SERGEANT-AT-ARMS

Shall attend the Convention during its sittings, to aid in the enforcement of order, under the direction of the President,

to execute the commands of the Convention from time to time, together with all such process, issued by authority thereof as shall be directed by the President.

The symbol of his office (the Mace) shall be borne by him when in the execution of his office.

THE COMMITTEE CLERKS

Shall copy for the members all manuscripts handed them, in proper form; writing the same in a plain round hand; each line of each section to be numbered, and each line to contain, say thirteen words.

THE PAGES

Shall each morning lay upon the desk of the several members, a copy of the printed Journal and all other printed matter ordered by the Convention.

Shall wait upon the members in any matter directly connected with the Convention.

THE DOORKEEPERS

Shall close the doors leading into the Hall so soon as the Chaplain commences prayer, and shall prevent conversation, walking, or any interruption whatever outside the bar of the Convention during religious services.

Shall close and keep closed both doors of the bar of the Convention, and take and keep position directly thereat, allowing no person to pass unless in strict conformity to the fifth Rule, viz:

No person shall be admitted within the bar of the Convention but members of the Executive and Judiciary departments, members of the General Assembly, and such other persons as may be invited by the President.

Shall prevent any abuse of property in the Lobbies.

Shall keep the aisles outside the bar of the Convention clear, so that the ingress and egress of members shall not be interrupted.

Shall give full attention to the comfort and seating in the Lobbies of all visitors.

THE POSTMASTER

Shall, on the arrival of the mails, promptly deliver to the members all mail matter addressed to them, and shall collect from their desks all matter prepared for mailing.

THE HALL KEEPER

Shall enforce proper decorum and order in the Rotunda, and shall exercise such supervision over the Hall as to render it comfortable and cleanly.

Respectfully submitted,

BALTIS H. KENNARD,
JAMES VALLIANT,
FREDERICK SCHLEY.

I concur in the above report, with the following amendments :

Amend Rule 15th by striking out the words "a majority of the members elected," and inserting "three-fourths of the members elected."

Amend by adopting in lieu of Rule forty-nine the following Rule, to be inserted as Rule forty-nine: "The Standing Rules of the Convention shall not be suspended except by a vote of at least two-thirds of the members present."

DANIEL CLARKE.

Mr. Duvall submitted the following order :

Ordered, That the Chairman of the respective Standing Committees have placed in some conspicuous position in the Rotunda notices of the time and place of the meetings of their several Committees ;

Which was adopted.

On motion of Mr. Kennard,

The report of the Committee on Rules was made the order of the day for one o'clock to-morrow.

Mr. King submitted the following order :

Ordered, That when the Convention adjourn to-morrow, it stand adjourned till 12 o'clock Wednesday next.

Mr. Baker submitted the following amendment :

Strike out "Wednesday" and insert "Tuesday."

Mr. Kennard submitted the following amendment to the amendment :

Ordered, That the subject of adjournment to a day certain be postponed until after the regular business of the day shall have passed.

The question being on the adoption of the amendment to the amendment,

It was decided in the negative.

The question recurring upon the adoption of the original order, to wit: that when the Convention adjourns to-morrow, it adjourn until Wednesday next,

Mr. Hebb demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|---------------------|-----------------|-----------------|
| Messrs. Harwood, | Dail, | Clarke, |
| Bond, | Johnson, | Belt, |
| Henkle, | Smith, of Dor., | Marbury, |
| Brooks, | Markey, | Lee, |
| Barron, | Cunningham, | Brown, |
| Berry, of Balt. co. | Schlosser, | Wilmer, |
| Ridgely, | Hopkins, | Morgan, |
| King, | Sands, | Jones, of Som., |
| Larsh, | Sykes, | Crawford, |
| Swope, | Chambers, | Horsey, |
| Jones, of Cecil, | Blackiston, | Valliant, |
| Turner, | Hollyday, | Mayhugh, |
| Edelen, | Lansdale, | Davis, |
| Mitchell, | Peter, | Sneary—44. |
| Todd, | Duvall, | |

NEGATIVE.

| | | |
|-------------------|--------------------|-----------------|
| Messrs. | Thomas, | Annan, |
| Goldsborough, P't | Parker, | Baker, |
| Hebb, | Smith, of Carroll, | Galloway, |
| Thurston, | Ecker, | McComas, |
| Wickard, | Wooden, | Hopper, |
| Robinette, | Earle, | Russell, |
| Miller, | Scott, | Mullikin, |
| Kennard, | Pugh, | Nyman, |
| Stockbridge, | Davis, of Charles, | Negley, |
| Stirling, | Carter, | Smith, of Wor., |
| Daniel, | Noble, | Purnell, |
| Abbott, | Keefer, | Murray—37. |
| Cushing, | Schley, | |

So the question upon the adoption of the order was decided in the affirmative.

Mr. Stirling, from the majority of the Committee on the Bill of Rights, submitted the following report,

Which was read and ordered to be printed :

THE DECLARATION OF RIGHTS.

We, the people of the State of Maryland, grateful to Almighty God for our civil and religious liberty, and taking into our serious consideration the best means of establishing a good Constitution in this State for the sure foundation and more permanent security thereof, declare:

ARTICLE 1. That all government of right originates from the people, is founded in compact only, and instituted solely for the good of the whole; and they have at all times the unalienable right to alter, reform or abolish their form of government in such manner as they may deem expedient.

Art. 2. That the people of this State ought to have the sole and exclusive right of regulating the internal government and police thereof.

Art. 3. That the inhabitants of Maryland are entitled to the common law of England, and the trial by jury according to the course of that law, and to the benefit of such of the English statutes as existed on the fourth day of July, seventeen hundred and seventy-six, and which, by experience, have been found applicable to their local and other circumstances, and have been introduced, used and practiced by the courts of law or equity, and also of all Acts of Assembly in force on the first day of June, eighteen hundred and sixty-four, except such as may have since expired or may be inconsistent with the provisions of this Constitution, subject, nevertheless, to the revision of and amendment or repeal by the Legislature of this State; and the inhabitants of Maryland are also entitled to all property derived to them from or under the charter granted by his Majesty, Charles the First, to Cecilius Calvert, Baron of Baltimore.

Art. 4. That the Constitution of the United States, and the laws made in pursuance thereof, being the supreme law of the land, every citizen of this State owes paramount allegiance to the Constitution and Government of the United States, and is not bound by any law or ordinance of this State in contravention or subversion thereof.

Art. 5. That all persons invested with the Legislative or Executive powers of government are the trustees of the public, and as such, accountable for their conduct; wherefore, whenever the ends of government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual, the people may and of right ought to reform the old or establish a new Government. The doctrine of non-resistance against arbitrary power and oppression is absurd,

slavish and destructive of the good and happiness of mankind.

Art. 6. That the right of the people to participate in the Legislature is the best security of liberty and the foundation of all free Government; for this purpose elections ought to be free and frequent, and every free white male citizen having the qualifications prescribed by the Constitution ought to have the right of suffrage.

Art. 7. That the legislative, executive and judicial powers of Government ought to be forever separate and distinct from each other, and no person exercising the functions of one of said departments shall assume or discharge the duties of any other.

Art. 8. That no power of suspending laws or the execution of laws, unless by or derived from the Legislature, ought to be exercised or allowed.

Art. 9. That freedom of speech and debate or proceedings in the Legislature ought not to be impeached in any court of judicature.

Art. 10. That Annapolis be the place for the meeting of the Legislature, and the Legislature ought not to be convened or held at any other place but from evident necessity.

Art. 11. That for the redress of grievances, and for amending, strengthening and preserving the laws, the Legislature ought to be frequently convened.

Art. 12. That every man hath a right to petition the Legislature for the redress of grievances, in a peaceable and orderly manner.

Art. 13. That no aid, charge, tax, burthen or fees ought to be rated or levied, under any pretence, without the consent of the Legislature.

Art. 14. That the levying of taxes by the poll is grievous and oppressive, and ought to be abolished; that paupers ought not to be assessed for the support of the Government, but every other person in the State, or person holding property therein, ought to contribute his proportion of public taxes for the support of Government, according to his actual worth in real or personal property; yet fines, duties or taxes may properly and justly be imposed or laid on persons or property, with a political view, for the good government and benefit of the community.

Art. 15. That sanguinary laws ought to be avoided as far as it is consistent with the safety of the State; and and no

law to inflict cruel and unusual pains and penalties ought to be made in any case, or at any time hereafter.

Art. 16. That retrospective laws, punishing acts committed before the existence of such laws, and by them only declared criminal, are oppressive, unjust and incompatible with liberty ; wherefore, no ex post facto law ought to be made.

Art. 17. That no law to attain particular persons of treason or felony ought to be made in any case, or at any time hereafter.

Art. 18. That every man, for any injury done to him in his person or property, ought to have remedy by the course of the law of the land, and ought to have justice and right, freely without sale, fully without any denial, and speedily without delay, according to the law of the land.

Art. 19 That the trial of facts where they arise is one of the greatest securities of the lives, liberties, and estate of the people.

Art. 20. That in all criminal prosecutions every man hath a right to be informed of the accusation against him; to have a copy of the indictment or charge, in due time (if required) to prepare for his defence; to be allowed counsel ; to be confronted with the witnesses against him ; to have process for his witnesses ; to examine the witnesses for and against him on oath ; and to a speedy trial by an impartial jury, without whose unanimous consent he ought not to be found guilty.

Art. 21. That no man ought to be compelled to give evidence against himself in a criminal case.

Art. 22. That no man ought to be taken or imprisoned, or disseized of his freehold, liberties or privileges, or outlawed, or exiled, or in any manner destroyed, or deprived of his life, liberty or property, but by the judgment of his peers, or by the law of the land.

Art. 23. That hereafter, in this State, there shall be neither slavery nor involuntary servitude, except in punishment of crime, whereof the party shall have been duly convicted; and all persons held to service or labor as slaves are hereby declared free.

Art. 24. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted by the courts of law.

Art. 25. That all warrants, without oath or affirmation, to search suspected places, or to seize any person or property, are grievous and oppressive; and all general warrants to

search suspected places, or to apprehend suspected persons without naming or describing the place, or the person in special, are illegal, and ought not to be granted.

Art. 26. That no conviction shall work corruption of blood, or forfeiture of estate.

Art. 27. That a well regulated militia is the proper and natural defence of a free government.

Art. 28. That standing armies are dangerous to liberty, and ought not to be raised or kept up without the consent of the Legislature.

Art. 29. That in all cases, and at all times, the military ought to be under strict subordination to and control of the civil power.

Art. 30. That no soldier shall in time of peace be quartered in any house without the consent of the owner, nor in time of war except in the manner prescribed by law.

Art. 31. That no person, except regular soldiers, mariners, and marines, in the service of this State, or militia when in actual service, ought in any case be subject to, or punishable by, martial law.

Art. 32. That the independency and uprightness of Judges are essential to the impartial administration of justice, and a great security to the rights and liberties of the people; wherefore the Judges shall not be removed, except for misbehavior, on conviction in a court of law, or by the Governor, upon the address of the General Assembly; *provided*, that two-thirds of all the members of each House concur in such address. No Judge shall hold any other office, civil or military, or political trust or employment of any kind whatsoever, under the Constitution or Laws of this State, or of the United States, or any of them, or receive fees or perquisites of any kind for the discharge of his official duties.

Art. 33. That a long continuance in the executive departments of power or trust is dangerous to liberty; a rotation, therefore, in those departments is one of the best securities of permanent freedom.

Art. 34. That no person ought to hold at the same time more than one office of profit, created by the Constitution or Laws of this State; nor ought any person in public trust to receive any presents from any Foreign Prince, or State, or from the United States, or any of them, without the approbation of this State.

Art. 35. That as it is the duty of every man to worship God in such manner as he thinks most acceptable to him, all persons are equally entitled to protection in their religious liberty; wherefore, no person ought by any law, to be molested in his person or estate, on account of his religious persuasion or profession, or for his religious practice, unless under the color of religion any man shall disturb the good order, peace, or safety of the State, or shall infringe the laws of morality, or injure others in their natural, civil or religious rights; nor ought any person to be compelled to frequent or maintain or contribute, unless on contract, to maintain any place of worship or any ministry; nor shall any person be deemed incompetent as a witness or juror, who believes in the existence of a God, and that under his dispensation such persons will be held morally accountable for his acts, and be rewarded or punished therefor, either in this world or the world to come.

Art. 36. That no other test or qualification ought to be required on admission to any office of trust or profit, than such oath of office as may be prescribed by this Constitution, or by the laws of the State, and a declaration of belief in the Christian religion; and if the party shall profess to be a Jew, the declaration shall be of his belief in a future state of rewards and punishments.

Art. 37. That every gift, sale or devise of land, to any minister, public teacher or preacher of the gospel, as such, or to any religious sect, order or denomination, or to or for the support, use or benefit of, or in trust for any minister, public teacher or preacher of the gospel as such, or any religious sect, order or denomination and every gift or sale of goods or chattles to go in succession, or to take place after the death of the seller or donor, to or for such support, use or benefit; and also, every devise of goods or chattels, to or for the support, use or benefit of any minister, public teacher or preacher of the gospel, as such; or any religious sect, order or denomination, without the leave of the Legislature, shall be void; except always, any sale, gift, lease or devise of any quantity of land not exceeding five acres, for a church, meeting house or other house of worship, or parsonage, or for a burying ground, which shall be improved, enjoyed or used only for such purpose; or such sale, gift, lease or devise shall be void.

Art. 38. That the manner of administering an oath or affirmation to any person, ought to be such as those of the religious persuasion, profession or denomination, of which he is a member, generally esteem the most effectual confirmation by the attestation of the Divine Being.

Art. 39. That the liberty of the press ought to be inviolably preserved.

Art. 40. That monopolies are odious, contrary to the spirit of a free government and the principles of commerce, and ought not to be suffered.

Art. 41. That no title of nobility or hereditary honors ought to be granted in this State.

Art. 42. That the Legislature ought to encourage the diffusion of knowledge and virtue, the extension of a judicious system of general education, the promotion of literature, the arts, sciences, agriculture, commerce and manufactures, and the general melioration of the condition of the people.

Art. 43. This enumeration of rights shall not be construed to impair or deny others retained by the people.

Art. 44. That this Constitution shall not be altered, changed or abolished except in the manner therein prescribed and directed.

Mr. Chambers, from the minority of the Committee on the Bill of Rights, submitted the following report,

Which was read and ordered to be printed :

REPORT.

The undersigned, members of the Committee to consider and report upon the Declaration of Rights, not concurring with the majority of the Committee in all of the propositions they submit, beg leave to report :

That with regard to the proposed fourth Article of the Declaration of Rights, as reported by the majority, they are of opinion that however true in the proposition that the Constitution of the United States and the Laws made in pursuance thereof, are the Supreme Law of the land, yet it has never been deemed necessary by the Statesmen who framed that Constitution, or by those who framed the Constitution of this State, or, in so far as the undersigned have learned, by the framers of any one of the numerous Constitutions of the other States, to insert amongst the rights and prerogatives of their citizens any language enforcing the obligation of allegiance to the Government of the United States.

Nor do the undersigned perceive the necessity for a departure from the universal practice that has obtained in all the States, and which practice has been adhered to even in those instances where Constitutions have been framed in the midst of the existing civil war; or for the voluntary offering of al-

legiance to the Government, on an assumed condition of hostility in the legislation of the State to the Government of the United States.

The undersigned also dissent from the adoption of the 23rd Article, as proposed in the majority report, believing it to contemplate a sudden, violent and most mischievous destruction of the relation of master and slave, which, commencing with the earliest history of the Colony, has been maintained during all the intervening period, with the regular and progressive advancement of the State in all that is useful and honorable, and with a conviction of its usefulness and propriety on the part of our citizens, so deeply and universally felt, that they have carefully prohibited by their Constitutions, as well that of 1776 as that of 1851, any interference with this relation, the rupture of which is now recommended by the majority of the Committee, without the slightest preparation on the part of either master or slave for the extreme change of condition so instantaneously precipitated upon them, inflicting upon each very serious and unnecessary injury and suffering, and particularly upon the slaves, and, in the absence of compensation, iniquitous and unjust in the extreme to the master.

There are some minor alterations, the necessity for which was not perceived by the undersigned, and which of choice they would not have made, but which are not deemed of sufficient importance to require especial notice.

E. F. CHAMBERS,
EDWARD W. BELT,
GEO. W. MORGAN.

On motion of Mr. Stirling,

The said reports were made the order of the day for Thursday next, at one o'clock.

Messrs. Blackiston, Valliant and Hollyday were excused from attending the session of the Convention to-morrow.

The Convention adjourned.

FRIDAY, May 13th, 1864.

The Convention met.

Prayer by the Rev. Mr. Patterson.

Present at the call of the roll, the following members:

Messrs. Goldsborough, President, Greene, Hebb, Wickard, Robinette, Miller, Harwood, Henkle, Hatch, Kennard, Stockbridge, Stirling, Daniel, Abbott, Cushing, Thomas, Berry, of Baltimore county, Ridgely, Parker, King, Smith, of Carroll, Ecker, Swope, Wooden, Jones, of Cecil, Earle, Scott, Pugh, Turner, Edelen, Mitchell, Todd, Carter, Noble, Keefer, Schley, Markey, Annan, Baker, Cunningham, Schlosser, McComas, Hopper, Russell, Hopkins, Sands, Sykes, Lansdale, Peter, Belt, Marbury, Morgan, Gale, Horsey, Mullikin, Delenger, Nyman, Negley, Mayhugh, Davis, of Washington, Sneary, Smith, of Worcester, Purnell, Murray.

The proceedings of yesterday were read.

Mr. Davis submitted the following order :

Ordered, That the Committee on the Legislative Department inquire into the expediency of creating the office of Treasurer in the several counties of the State, and providing for the election of the same ;

Which was adopted.

Mr. Stirling submitted the following resolution :

Resolved, That this Convention tenders the thanks of the State to the soldiers of Maryland in the army of General Grant, for the gallant manner in which they have behaved during the recent battles, and that this Convention expresses its deep sympathy with the families of the slain, and for the wounded in their sufferings ;

Which was read.

On motion of Mr. Hebb,

The Rules were suspended, the resolution read the second time, and passed by yeas and nays as follows :

AFFIRMATIVE.

| | | |
|-------------------|--------------------|------------|
| Messrs. | King, | Schlosser, |
| Goldsborough, P't | Smith, of Carroll, | McComas, |
| Greene, | Ecker, | Hopper, |

| | | |
|----------------------|------------------|------------------|
| Hebb, | Swope, | Russell, |
| Wickard, | Wooden, | Hopkins, |
| Robinette, | Jones, of Cecil, | Sands, |
| Miller, | Earle, | Sykes, |
| Hatch, | Scott, | Mullikin, |
| Kennard, | Pugh, | Dellinger, |
| Stockbridge, | Todd, | Nyman, |
| Stirling, | Carter, | Negley, |
| Daniel, | Noble, | Mayhugh, |
| Abbott, | Keefer, | Davis, of Wash., |
| Cushing, | Schley, | Sneary, |
| Thomas, | Markey, | Smith, of Wor., |
| Berry, of Balt. co., | Annan, | Purnell, |
| Ridgely, | Baker, | Murray—52. |
| Parker, | Cunningham, | |

NEGATIVE.

| | | |
|------------------|-----------|------------|
| Messrs. Harwood, | Lansdale, | Belt, |
| Henkle, | Peter, | Marbury, |
| Mitchell, | Clarke, | Horseby—9. |

Messrs. Harwood, Clarke and Marbury asked to be excused from voting on the resolution,

Which was not agreed to.

Mr. Hebb submitted the following order :

Ordered, That ten folded copies of the debates and proceedings of this Convention be furnished to each member, as printed ;

Which was adopted.

Mr. King submitted the following order :

Ordered, That the Committee to consider and report respecting the Appointment, Tenure of Office, Duties and Compensation of all Civil Officers, inquire into the expediency of introducing a section in the new Constitution, securing to all persons who have been elected by the people to any office within the State, to hold the same unimpaired during the term for which they were elected ;

The question being on the adoption of the order,

Mr. Miller demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|----------------------|--------------------|-----------------|
| Messrs. | Ridgely, | Baker, |
| Goldsborough, P't | King, | Lansdale, |
| Miller, | Smith, of Carroll, | Peter, |
| Harwood, | Jones, of Cecil, | Clarke, |
| Henkle, | Earle, | Marbury, |
| Kennard, | Scott, | Horsey, |
| Stockbridge, | Edelen, | Negley, |
| Cushing, | Mitchell, | Smith, of Wor., |
| Thomas, | Todd, | Purnell, |
| Berry, of Balt. co., | Carter, | Murray—29. |

NEGATIVE.

| | | |
|-----------------|-------------|------------------|
| Messrs. Greene, | Wooden, | Russell, |
| Hebb, | Pugh, | Hopkins, |
| Wickard, | Noble, | Sands, |
| Robinette, | Keefer, | Sykes, |
| Hatch, | Schley, | Mullikin, |
| Stirling, | Markey, | Dellinger, |
| Daniel, | Annan, | Nyman, |
| Abbott, | Cunningham, | Mayhugh, |
| Parker, | Schlosser, | Davis, of Wash., |
| Ecker, | McComas, | Sneary—32. |
| Swope, | Hopper, | |

So the question upon the adoption of the order, was decided in the negative.

Mr. Hebb submitted the following order:

Ordered, That the Committee on such Provisions and Ordinances as may be desirable to carry into effect amendments to the Constitution, inquire into the expediency of engrafting upon the Constitution a provision requiring, on the taking effect of the new Constitution, all officers thereby continued in office, before proceeding in the further discharge of their duties, to take the same oath or affirmation as required of officers appointed or elected under it ;

Mr. Peter moved to lay the order on the table,

Decided in the negative,

The question recurring upon the adoption of the order,

It was decided in the affirmative.

The order of the day, being the report of the Committee on Rules,

Was taken up.

Mr. Stockbridge submitted the following amendment:

Fill up the blank in the fourth rule with the number seven;

Mr. Greene submitted the following amendment to the amendment:

Strike out "seven" and insert "five."

The question being on the adoption of the amendment submitted by Mr. Stockbridge, that being the longest time proposed,

It was decided in the negative.

The question recurring upon the amendment submitted by Mr. Greene,

It was decided in the affirmative.

Mr. Berry, of Baltimore county, submitted the following amendment:

Rule 15, strike out the words "shall receive three readings in the Convention on three different days of the session," and insert the words "shall be read on three different days;"

Decided in the affirmative.

Mr. Clarke submitted the following amendment:

Rule 15, strike out the words "a majority of the members elected," and insert "three fourths of the members elected."

Mr. Stirling submitted the following amendment to the amendment:

Strike out "a majority of the members elected," and insert "two-thirds of the members present otherwise determine."

The question being on the adoption of the amendment to the amendment,

Mr. Clarke demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows:

AFFIRMATIVE.

| | | |
|------------------|--------------------|------------|
| Messrs. | Parker, | Schlosser, |
| Goldsbrough, P't | King, | McComas, |
| Greene, | Smith, of Carroll, | Hopper, |
| Hebb, | Ecker, | Russell, |
| Thurston, | Swope, | Hopkins, |
| Wickard, | Wooden, | Sands, |
| Robinette, | Jones, of Cecil, | Sykes, |

| | | |
|---------------------|-------------|------------------|
| Harwood, | Pugh, | Mullikin, |
| Hatch, | Todd, | Dellinger, |
| Kennard, | Carter, | Nyman, |
| Stockbridge, | Noble, | Negley, |
| Stirling, | Keefer, | Mayhugh, |
| Daniel, | Schley, | Davis, of Wash., |
| Abbott, | Markey, | Sneary, |
| Cushing, | Annan, | Smith, of Wor., |
| Thomas, | Baker, | Purnell, |
| Berry, of Balt. co. | Cunningham, | Murray—51. |
| Ridgely, | | |

NEGATIVE.

| | | |
|-----------------|-----------|-----------|
| Messrs. Miller, | Edelen, | Belt, |
| Henkle, | Mitchell, | Marbury, |
| Earle, | Lansdale, | Morgan, |
| Scott, | Peter, | Gale, |
| Turner, | Clarke, | Horse—15. |

So the question upon its adoption was decided in the affirmative.

Mr. Stockbridge submitted the following amendment:

Rule 15, line 7, strike out the word "Convention," and insert "members present ;"

Decided in the affirmative,

Mr. Stockbridge (by general consent) submitted the following amendment:

Rule 10, line 2, insert after the word "the," the words "members elected to ;"

Decided in the affirmative.

Mr. Stirling submitted the following amendment:

Strike out the 17th rule, and insert the words "calls of the Convention shall be made, if required by seven members, at any time when a subject is under consideration ;"

Decided in the affirmative.

Mr. Stirling submitted the following amendments:

Rule 20, second line, strike out the words "nine members," and insert "a majority of the members present ;"

Decided in the affirmative.

Rule 20, seventh line, strike out the words "seven members," and insert "a majority of the members present ;"

Decided in the affirmative.

Mr. Berry, of Baltimore county, submitted the following amendment:

Rule 22, strike out all after the word "interlined," in the sixth line, and insert "but all amendments shall, when agreed to by the Committee, be duly entered by the Secretary, on separate paper, noting the page and line, and, through the Chairman, be so reported to the Convention, which report, resolution, or other matter, shall again be open to debate and amendment by clauses;"

Decided in the affirmative.

Mr. Thomas moved that the Convention do now adjourn ;

The question being on the adoption of the motion,

The yeas and nays were ordered, and appeared as follows:

AFFIRMATIVE.

| | | |
|---------------------|------------|------------------|
| Messrs. Greene, | Pugh, | Peter, |
| Hebb, | Turner, | Clarke, |
| Wickard, | Mitchell, | Morgan, |
| Miller, | Todd, | Gale, |
| Harwood, | Carter, | Horsey, |
| Henkle, | Noble, | Negley, |
| Hatch, | Schlosser, | Mayhugh, |
| Abbott, | Hopper, | Davis, of Wash., |
| Cushing, | Hopkins, | Sneary, |
| Thomas, | Sands, | Smith, of Wor., |
| Berry, of Balt. co. | Sykes, | Purnell, |
| Ridgely, | Lansdale, | Murray—37. |
| King, | | |

NEGATIVE.

| | | |
|-------------------|------------------|------------|
| Messrs. | Parker, | Russell, |
| Goldsborough, P't | Ecker, | Marbury, |
| Robinette, | Jones, of Cecil, | Mullikin, |
| Kennard, | Earle, | Dellinger, |
| Stockbridge, | Scott, | Nyman—16. |
| Stirling, | McComas, | |

So the Convention, at 2 $\frac{1}{2}$ o'clock, P. M., adjourned until Wednesday next, at 12 o'clock.

WEDNESDAY, May 18th, 1864.

The Convention met.

Prayer by the Rev. Mr. Owen.

Present at the call of the roll, the following members :

Messrs. Goldsborough, President, Wickard, Miller, Harwood, Hatch, Kennard, Stockbridge, Abbott, Cushing, Thomas, Audoun, Hoffman, Parker, King, Larsh, Smith, of Carroll, Ecker, Wooden, Earle, Scott, Pugh, Briscoe, Parran, Carter, Schley, Markey, Cunningham, McComas, Hopper, Hopkins, Sands, Lansdale, Peter, Duvall, Marbury, Brown, Morgan, Dennis, Nyman, Davis, of Washington, Smith, of Worcester, Purnell, Murray.

There being no quorum present,

The Convention adjourned.

THURSDAY, May 19th, 1864.

The Convention met.

Prayer by the Rev. Mr. McNemar.

Present at the call of the roll, the following members :

Messrs. Goldsborough, President, Abbott, Annon, Audoun, Baker, Barron, Belt, Berry, of Baltimore county, Berry, of Prince George's, Briscoe, Brooks, Brown, Carter, Chambers, Clarke, Cunningham, Cushing, Daniel, Davis, of Washington, Dennis, Duvall, Earle, Ecker, Edelen, Gale, Galloway, Greene, Harwood, Hatch, Hebb, Henkle, Hoffman, Hopkins, Hopper, Jones, of Cecil, Jones, of Somerset, Keefer, Kennard, King, Lansdale, Larsh, Mace, Marbury, Markey, McComas, Mitchell, Miller, Morgan, Mullikin, Murray, Negley, Nyman, Parker, Parran, Peter, Pugh, Purnell, Robinette, Russell, Sands, Schley, Schlosser, Scott, Smith, of Carroll, Smith, of Worcester, Sneary, Stockbridge, Swope, Sykes, Thomas, Thruston, Valliant, Wickard, Wooden.

The qualifications of the Rev. Messrs. Isaac M. Patterson, E. D. Owen and H. C. McNemar, Chaplains elect of the Convention, were presented and ordered to be filed.

The President announced the following additions to the Committees named, in accordance with an order of the Convention :

On the Committee on the Basis of Representation—Messrs. Greene and Carter.

On the Committee on the Legislative Department—Messrs. Stirling and Mullikin.

On the Committee on the Elective Franchise and Qualifications of Voters—Messrs. Noble and Russell.

The President also announced the following officers, in accordance with orders of the Convention:

Revising Clerk—John McGarigle.

Lamplighter—John T. Wright.

Hall-keeper—John Sullivan.

Pages—Caleb Parker, Charles O. Isaacs, John A. J. Medcalf and Melancthon Dodson.

Mr. Galloway submitted the following order :

Ordered, That the President appoint an additional Page of this Convention,

Which was rejected.

On motion of Mr. Cushing,

It was ordered to be entered on the Journal that Mr. Stirling, of Baltimore city, and Mr. Ridgely, of Baltimore county, are detained from their seats in the Convention by sickness.

Mr. Purnell submitted the following order :

Ordered, That the Committee to consider and report respecting the Elective Franchise, inquire into the expediency of inserting into the Constitution a provision allowing any qualified voter, who may happen to be in any other county situated in the district in which he resides at the time of an election, the privilege of voting for any district officer; and that all such qualified electors be permitted to vote anywhere in the State for State officers.

On motion of Mr. Purnell,

The said order was referred to the Committee on the Elective Franchise.

The unfinished business of Friday's session, being the report of the Committee on Rules,

Was taken up.

Mr. Stockbridge submitted the following amendment :

Rule 43, strike out the words, "passage of any subject matter" and insert the words "adoption of any article."

The question upon its adoption was decided in the affirmative.

Mr. Thruston submitted the following amendment :

Rule 43, strike out all after the word "Journal" in the third line.

The question being on the adoption of the amendment.

Mr. Clarke demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|------------------|------------------|------------|
| Messrs. Abbott, | Hebb, | Robinette, |
| Annan, | Hopkins, | Sands, |
| Audoun, | Jones, of Cecil, | Schley, |
| Baker, | Keefer, | Schlosser, |
| Barron, | Larsh, | Scott, |
| Brooks, | Markey, | Sneary, |
| Cunningham, | McComas, | Swope, |
| Davis, of Wash., | Mullikin, | Sykes, |
| Ecker, | Negley, | Thruston, |
| Galloway, | Nyman, | Valliant, |
| Greene, | Pugh, | Wooden—34. |
| Hatch, | | |

NEGATIVE.

| | | |
|---------------------|--------------------|--------------------|
| Messrs. | Duvall, | Mitchell, |
| Goldsborough, P't | Earle, | Miller, |
| Belt, | Edelen, | Morgan, |
| Berry of Balt. co., | Gale, | Murray, |
| Berry, of P. Geo., | Harwood, | Parker, |
| Briscoe, | Henkle, | Parran, |
| Brown, | Hoffman, | Peter, |
| Carter, | Hopper, | Purnell, |
| Chambers, | Jones of Somerset, | Russell, |
| Clarke, | Kennard, | Smith, of Carroll, |
| Crawford, | King, | Smith, of Wor., |

| | | |
|----------|-----------|--------------|
| Cushing, | Lansdale, | Stockbridge, |
| Daniel, | Mace, | Thomas, |
| Dennis, | Marbury, | Wickard—41. |

So the question upon its adoption was decided in the negative.

The hour having arrived for taking up the order of the day, being the report of the Committee on the Bill of Rights,

Mr. Stockbridge moved to postpone its consideration until after the disposition of the report of the Committee on Rules.

Mr. Daniel moved to postpone its consideration until tomorrow at one o'clock, in consequence of the detention from the Convention of Mr. Stirling, the Chairman of the Committee.

Mr. Berry, of Prince George's, moved to postpone its consideration until Thursday next, at one o'clock.

Mr. Kennard called the previous question.

On the question being put, "Shall the main question be now put,"

It was decided in the affirmative.

The question then being on the adoption of the motion made by Mr. Berry, of Prince George's,

It was decided in the negative.

The question recurring upon the motion of Mr. Stockbridge,

It was decided in the affirmative.

The consideration of the report of the Committee on Rules was then resumed.

Mr. Stockbridge submitted the following amendment:

Rule 43, last two lines, strike out "subject matter" and insert "article."

Decided in the affirmative.

Mr. Stockbridge submitted the following amendment:

Rule 44, line 5, after the word "report" insert the words "or article."

Decided in the affirmative.

Mr. Cushing submitted the following amendment:

Rule 44, strike out all after the word "negative," in the 8th line.

Decided in the negative.

Mr. Parran submitted the following amendment:

Rule 44, 4th line, strike out the words "at any time thereafter," and insert the same words after the word "order," in the third line.

Decided in the affirmative.

Mr. Sands submitted the following amendment:

Rule 48, strike out the rule as reported, and insert: "Upon calls of the Convention, or in taking the yeas and nays on any question, the names of the members shall be called by counties in alphabetical order.

Decided in the negative.

Mr. Berry, of Baltimore county, submitted the following amendment:

Rule 48, line 2, after the word "members," insert the words "beginning with the President."

Decided in the affirmative.

Mr. Clarke submitted the following amendment:

Rule 49, strike out the rule as reported, and insert: "The Standing Rules of the Convention shall not be suspended except by a vote of at least two-thirds of the members elected."

Decided in the negative.

Mr. Clarke submitted the following amendment:

Rule 49, strike out the rule as reported, and insert: "The Standing Rules of the Convention shall not be suspended except by a vote of at least two-thirds of the members present."

The question being on the adoption of the amendment,

Mr. Clarke demanded the yeas and nays ;

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|--------------------|---------|-----------|
| Messrs. | Daniel, | Lansdale, |
| Goldsborough, P't | Dennis, | Marbury, |
| Berry, of P. Geo., | Duvall, | Mitchell, |
| Briscoe, | Earle, | Miller, |
| Brown, | Edelen, | Morgan, |
| Carter, | Gale, | Parran, |

| | | |
|-----------|-----------------|-----------|
| Chambers, | Harwood, | Peter, |
| Clarke, | Henkle, | Pugh, |
| Crawford, | Jones, of Som., | Scott—26. |

NEGATIVE.

| | | |
|---------------------|------------------|-----------------|
| Messrs. Abbott, | Hopper, | Robinette, |
| Annan, | Jones, of Cecil, | Russell, |
| Audoun, | Keefer, | Sands, |
| Baker, | Kennard, | Schley, |
| Berry, of Balt. co. | King, | Schlosser, |
| Brooks, | Larsh, | Smith, of Wor., |
| Cunningham, | Mace, | Sneary, |
| Cushing, | Markey, | Stockbridge, |
| Davis, of Wash., | McComas, | Swope, |
| Ecker, | Mullikin, | Sykes, |
| Galloway, | Murray, | Thomas, |
| Greene, | Negley, | Thruston, |
| Hatch, | Nyman, | Valliant, |
| Hebb, | Parker, | Wickard, |
| Hoffman, | Purnell, | Wooden—46. |
| Hopkins, | | |

So the question upon its adoption was decided in the negative.

Mr. Jones, of Somerset, submitted the following amendment:

Rule 49, strike out the word "present," and insert the words "elected to this Convention;"

Decided in the negative.

Mr. Stockbridge submitted the following amendment:

Rule 49, strike out the words "a majority," and insert the words "three-fifths;"

Decided in the affirmative.

Mr. Kennard submitted the following amendment:

Rule 53, line 5, after the word "reading," insert, "if objection is made, then a majority of the members shall decide upon the question of engrossment; after the engrossment of a report is ordered, the Secretary shall have the same printed as engrossed;"

Decided in the affirmative.

Mr. Clarke submitted the following amendment:

Rule 53, line 3, after the word "reading," insert the fol-

lowing, "on which second reading it shall be open to amendment ;"

Decided in the affirmative.

Mr. Hebb submitted the following amendment :

Strike out Rule 54, and insert the following as Rule 54 :

The previous question shall be always in order in Convention, and shall be in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present, and its effect shall be to put an end to all debate, and to bring the Convention to a direct vote upon pending amendments, and the section of the Constitution then under consideration. On a motion for the previous question, and prior to the seconding of the same, a call of the Convention shall be in order, but after a majority shall have seconded such motion, no call shall be in order prior to a division of the main question; and on the previous question there shall be no debate.

Pending the consideration of which,

The Convention adjourned.

FRIDAY, May 20th, 1864.

The Convention met.

Prayer by the Rev. Mr. Patterson.

Present at the call of the roll the following members :

Messrs. Goldsborough, President, Abbott, Annan, Audoun, Baker, Barron, Berry, of Prince George's, Blackiston, Briscoe, Brooks, Brown, Carter, Clarke, Crawford, Cunningham, Cushing, Daniel, Davis, of Washington, Dellinger, Earle, Ecker, Edelen, Gale, Galloway, Greene, Harwood, Hatch, Hebb, Hoffman, Hollyday, Hopkins, Hopper, Johnson, Jones, of Cecil, Jones, of Somerset, Kennard, King, Lansdale, Lee, Marbury, Markey, Mayhugh, McComas, Mitchell, Miller, Morgan, Mullikin, Murray, Negley, Noble, Nyman, Parker, Parran, Peter, Pugh, Purnell, Robinette, Russell, Sands,

Schley, Schlosser, Scott, Smith, of Carroll, Smith, of Dorchester, Sneary, Stockbridge, Swope, Sykes, Thomas, Thruston, Todd, Valliant, Wickard, Wilmer, Wooden.

The proceedings of yesterday were read.

Mr. Galloway submitted the following order:

Ordered, That the Committee on Accounts be directed to examine and settle the accounts for repairing and fitting up the Hall for the use of the Convention, under an order of the Legislature.

Which was adopted.

Mr. Purnell submitted the following preamble and resolutions:

WHEREAS, it is a matter of great importance that there should be a prompt and faithful attendance of the members and officers of this Convention, for the performance of the duties entrusted to them in their respective committees, as well as during the sessions of this body;

Therefore, be it resolved, That hereafter no member or officer of this Convention shall receive any per diem for such time as he may be absent from the said Convention; and that the President is hereby directed and required, in giving a certificate of payment to such member or officer, to deduct from his account such time as he may have been absent, unless occasioned by actual indisposition, or some other unavoidable circumstance.

Resolved, That for the purpose of ascertaining the time lost by the members and officers the Secretary of this Convention be required to keep a weekly list, on which he shall note the respective days when each of said members or officers shall be absent, and file the same weekly with the Clerk of the Committee of Accounts, who shall deduct the same from the allowance of each member and officer, so that, at the end of the session, the number of days each member or officer has been absent, except from actual indisposition or other unavoidable cause, may be ascertained and entered upon the Journal of Proceedings.

Resolved, That every member shall be considered and noted as absent unless his name be entered on the Journal at the opening of each day's session, and also entered among the yeas and nays, that shall be taken on every proposition to adjourn, unless his absence be occasioned by actual indisposition or other unavoidable circumstance.

Which were read.

Mr. Markey submitted the following order:

Ordered, That the Committee on the Judiciary inquire into the expediency of changing or amending the Testamentary System, in cases where a testator has devised his property to his executors to be sold, or has directed his real estate to be sold by his executors, for the payment of debts and legacies, or for any other purpose; so as, in the event of the death of both executors or the survivor, or the death of a sole executor, to give power to the Orphans' Court of the county or city of Baltimore, where letters testamentary have been granted to appoint an administrator *de bonis non*, with the will annexed, and invest him with power to sell such real estate and administer the proceeds according to the will of the testator.

Which was adopted.

Mr. Todd submitted the following order:

Ordered, That the Treasurer of the State of Maryland, upon the order of the President of this Convention, pay to Thomas J. Corkran, who temporarily discharged the duties of Page, in the beginning of the sessions of this Convention, the per diem and mileage allowed to the permanent Pages, for the number of days of service rendered by him.

Which was adopted.

Mr. Clarke submitted the following order:

Ordered, That the Committee on the Legislative Department be instructed to inquire into the expediency of inserting the following articles in the Constitution:

1. No free negro or free mulatto shall come into or settle in this State after the adoption of this Constitution.
2. All contracts made with any free negro or free mulatto coming into the State contrary to the provisions of the foregoing section, shall be null and void; and any person who shall employ such free negro or free mulatto, or otherwise encourage him or her to remain in the State, shall be fined in a sum not less than fifty dollars, nor more than five hundred dollars for each offence.
3. All fines which may be collected for a violation of the provisions of this article, or any law which may hereafter be passed for the purpose of carrying the same into execution, shall be set apart and appropriated for the colonization or removal beyond the limits of the State of such negroes and mulattoes and their descendants as may be in the State at the adoption of this Constitution, and may be willing to emigrate.

4. The General Assembly shall have full power, and it is hereby made the duty of the same to pass all laws necessary to carry out effectually the provisions of this article.

Pending the consideration of which,

The hour arrived for the consideration of the order of the day, being the report of the Committee on Rules.

It was taken up.

The question being on the amendment submitted by Mr. Hebb, to wit:

Strike out the 54th Rule and insert: The previous question shall be always in order in Convention, and shall be in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present, and its effect shall be to put an end to all debate, and to bring the Convention to a direct vote upon pending amendments, and the section of the Constitution then under consideration. On a motion for the previous question, and prior to the seconding of the same, a call of the Convention shall be in order, but after a majority shall have seconded such motion, no call shall be in order prior to a division of the main question; and on the previous question there shall be no debate.

By general consent, Mr. Hebb amended the amendment as follows:

Strike out the words "and the section of the Constitution then under consideration," and insert the words "and the special matter to which they relate."

Strike out the words "division of," and insert the words "vote upon."

Mr. Clarke submitted the following amendment to the amendment:

Strike out the words "special matter," and insert the words "distinct proposition."

The question being on the adoption of the amendment to the amendment,

It was decided in the negative.

The question recurring upon the adoption of the amendment submitted by Mr. Hebb,

It was decided in the affirmative.

Mr. Briscoe moved to refer the 54th Rule to the Committee on Rules;

Decided in the negative.

Mr. Briscoe submitted the following amendment :

Rule 54, after the word "debate," in the last line, insert the words : "but the application of this rule shall not apply to reports or articles under consideration upon the second reading,"

Decided in the negative.

Mr. Clarke, submitted the following amendment :

Insert as Rule 56, the following: "It shall be a standing order of the day throughout the session, for the Convention to resolve itself into a Committee of the Whole on the condition of the State."

The question being on the adoption of the amendment;

Mr. Clarke demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called and appeared as follows:

AFFIRMATIVE.

| | | |
|-----------------|----------------|-----------------|
| Messrs. Belt, | Gale, | Marbury, |
| Berry, of P. G. | Harwood, | Mitchell, |
| Blackiston, | Henkle, | Miller, |
| Briscoe, | Hollyday, | Morgan, |
| Brown, | Johnson, | Parran, |
| Chambers, | Jones, of Som. | Peter, |
| Clarke, | Lansdale, | Smith, of Dor., |
| Crawford, | Lee, | Wilmer—25. |
| Edelen, | | |

NEGATIVE.

| | | |
|-------------------|------------------|--------------------|
| Messrs. | Greene, | Purnell, |
| Goldsborough, Pt. | Hatch, | Robinette, |
| Abbott, | Hebb, | Russell, |
| Annan, | Hoffman, | Sands, |
| Audoun, | Hopkins, | Schley, |
| Baker, | Hopper, | Schlosser, |
| Barron, | Jones, of Cecil, | Scott, |
| Brooks, | Kennard, | Smith, of Carroll, |
| Carter, | King, | Sneary, |
| Cunningham, | Markey, | Stockbridge, |
| Cushing, | McComas, | Swope, |
| Daniel, | Mullikin, | Sykes, |
| Davis, of Wash. | Murray, | Thomas, |
| Dellinger, | Negley, | Todd, |

Earle,
Ecker,
Galloway,

Nyman,
Parker,
Pugh,

Valliant,
Wickard,
Wooden—50.

So the question upon the adoption of the amendment was decided in the negative.

Mr. Daniel moved to re-consider the vote on the forty-ninth rule;

Decided in the negative.

The report was then ordered to be engrossed for a third reading.

Mr. Stockbridge gave notice that he would on to-morrow move a reconsideration of the vote by which the order authorizing the Treasurer to pay a sum of money to Thomas Corkran, was passed.

The second Order of the Day, the Report of the Committee on the Bill of Rights,

Was taken up,

Pending which,

The Convention adjourned.

SATURDAY, May 21st, 1864.

The Convention met.

Prayer by the Rev. Mr. Owen.

Present at the call of the roll the following members:

Messrs. Goldsborough, President, Abbott, Annan, Audoun, Baker, Berry, of Prince George's, Billingsley, Blackiston, Briscoe, Brown, Carter, Chambers, Clarke, Crawford, Cushing, Daniel, Dellinger, Earle, Ecker, Edelen, Gale, Galloway, Green, Hatch, Hebb, Hoffman, Hollyday, Hopkins, Hopper, Jones, of Somerset, Keefer, King, Lee, Marbury, Markey, Mayhugh, McComas, Miller, Morgan, Mullikin, Murray, Negley, Nyman, Parker, Pugh, Purnell, Robinette, Russell, Schley, Schlosser, Scott, Smith, of Carroll, Sneary,

Stockbridge, Swope, Thomas, Thruston, Todd, Valliant, Wickard, Wilmer, Wooden.

The proceedings of yesterday were read.

The order submitted by Mr. Clarke on yesterday, instructing the Committee on the Legislative Department to inquire into the expediency of inserting certain Articles in the Constitution, prohibiting free negroes or mulattoes from coming into or settling in this State.

Was taken up,

On motion of Mr. Schley,

Mr. Clarke accepted as an amendment to his order the following: In the first section, after the word "Constitution," insert the words, unless such free negro or mulatto be a Federal Soldier, engaged in the military service of the United States, or come into this State by the authority of the same.

Mr. Abbott submitted the following amendment:

Amend by including all sympathisers with the Rebellion of the Southern States, and any one now living North of Mason and Dixon's Line;

Mr. Stockbridge called the previous question,

On the question being put, "shall the main question be now put?"

It was decided in the affirmative.

The question then being on the amendment submitted by Mr. Abbott,

It was decided in the negative.

The question recurring upon the adoption of the order submitted by Mr. Clarke,

It was decided in the affirmative.

Mr. Stockbridge moved to re-consider the vote by which an order was adopted yesterday directing the payment of certain money to Thomas J. Corkran, for services alleged to be rendered as page to this Convention.

Decided in the affirmative.

On motion of Mr. Todd,

The said order was referred to the Committee on Accounts.

The hour having arrived for considering the Order of the Day, being the Report of the Committee on the Bill of Rights.

On motion of Mr. Smith, of Carroll,

It was postponed until Monday next at one o'clock.

Mr. Thomas submitted the following order:

Ordered, That the Committee on the Legislative Department be requested to inquire into the expediency of engrafting a provision in the Constitution, exempting an amount to the value of \$500 (five hundred dollars) of a debtor's property from execution.

Which was adopted.

Mr. Galloway submitted the following order:

Ordered, That it be entered upon the Journal that if Mr. Galloway had been in his seat on Friday the 13th inst., he would have voted in the affirmative for the resolution submitted by Mr. Stirling tendering the thanks of the State to the Soldiers of Maryland in the Army of Gen. Grant.

Which was adopted.

Mr. Todd submitted the following order:

Ordered, That it be entered on the Journal that Mr. Noble, of Caroline county is detained from his seat in this Convention by indisposition.

Which was adopted.

Mr. Negley submitted the following order:

Ordered, That J. W. Garmond be added as an additional Committee Clerk, pro tempore, his services being already employed by several Standing Committees, and that he be detailed on the Committee of the Treasury, Basis of Representation, Education, and Future Amendments to the Constitution.

Mr. Daniel submitted the following amendment:

Ordered, That the President be requested to apportion the several Committee Clerks among the several Committees of this Convention, and if he should believe any Clerk, or more, necessary he be and is hereby authorized to appoint the same.

Mr. Jones, of Somerset, moved a division of the question,
Decided in the affirmative.

The question then being on the first clause of the amendment;

It was decided in the affirmative.

The question recurring upon the latter clause of the amendment,

It was decided in the negative.

Mr. Audoun submitted the following order :

Ordered, That the Committee on the Elective Franchise be requested to inquire into the expediency of inserting the following article in the Constitution ; That every person who has in any manner aided in the present rebellion against the Government of the United States, ought to be forever disqualified and rendered incapable to hold or exercise within this State any office of profit or trust, civil or military, or to vote at any election hereafter to be held in this State ;

Which was adopted.

Mr. Hatch submitted the following order:

Ordered, That the following be referred to the Legislative Committee, "that the faith of the State shall never be pledged for works of internal improvements or any other tax, except what is necessary for the support of the Government or to suppress insurrection or repel invasion."

Which was adopted.

Mr. Thomas submitted the following order :

Ordered, That the Comptroller be requested to furnish the Convention with a statement of the amount of stock held and owned by the State of Maryland in the several railroads and other works of internal improvement, specifying the amount held in each company or corporation, and what proportion of said stock is represented by Directors, and also the amount of interest due on said stock ;

Which was adopted.

Mr. Todd submitted the following order :

Ordered, That J. W. Gormand be appointed a Committee Clerk pro tempore.

On motion of Mr. Ecker,

The order was laid on the table.

Mr. Valliant, from the Committee on Reporting and Printing, submitted the following report,

Which was read and ordered to be printed:

The Committee on Reporting and Printing, to whom was referred the order to appoint a Stenographer to the Convention

beg leave to report favorably upon said order, and recommend its adoption by the Convention, together with the additional orders herewith reported.

JAMES VALLIANT,
J. WICKARD,
JOHN R. SNEARY,
JOSEPH H. AUDOUN.

Ordered, That the Stenographer appointed by virtue of the 3d section of the Convention bill, is hereby appointed the permanent Stenographer to the Convention.

Ordered, That the President of the Convention be authorized to pay to Mr. Wm. Blair Lord, the Official Reporter of the Convention, upon the certificate of the Committee on Reporting and Printing, such sums as from time to time may be due to him, estimating the same at the rate of three dollars (\$3) per page of the printed Debates and Proceedings of the State Constitutional Convention.

Ordered, That there be furnished to the Official Reporter of this Convention, and to his Assistant, one copy each of such books and documents as may be or have been ordered for the use of the members of the Convention ; and two copies each of the printed sheets of the Journal of Proceedings, and the Debates and Proceedings of the Convention.

In pursuance of an order adopted by the Convention, the undersigned, a majority of the Committee on Reporting and Printing, report that they have contracted with Mr. J. McGarigle, to correct errors in the proof sheets of the Debates, superintend the printing thereof, and perform such other duties as may be suggested by this Committee, for the sum of three hundred dollars; and that they have also contracted with Daniel M. Moore, to index the Journal of Proceedings, the Debates and the Constitution for a like sum.

JAMES VALLIANT,
J. WICKARD,
J. R. SNEARY,
JOSEPH H. AUDOUN.

The Convention adjourned.

MONDAY, May 23d, 1864.

The Convention met,

Prayer by the Rev. Mr. Davenport.

Present at the call of the roll the following members :

Messrs. Goldsborough, President, Abbott, Annan, Audoun, Baker, Barron, Belt, Berry, of Prince George's, Billingsley, Blackiston, Bond, Briscoe, Brooks, Brown, Carter, Clarke, Crawford, Cunningham, Cushing, Daniel, Davis, of Washington, Dellinger, Dennis, Earle, Ecker, Edelen, Galloway, Greene, Harwood, Hatch, Hebb, Hoffman, Hollyday, Hopkins, Hopper, Johnson, Jones, of Somerset, Keefer, King, Larsh, Lee, Marbury, Markey, McComas, Mitchell, Miller, Mullikin, Murray, Negley, Noble, Nyman, Parker, Parran, Peter, Pugh, Purnell, Robinette, Russell, Sands, Schley, Schlosser, Smith, of Carroll, Smith, of Dorchester, Smith, of Worcester, Sneary, Stockbridge, Swope, Sykes, Todd, Valiant, Wickard, Wilmer, Wooden.

The proceedings of Saturday were read.

Mr. Abbott submitted the following order :

Ordered, That it be entered on the Journal that all of the amendment offered by Mr. Abbott, to the order of Mr. Clarke on page 83, (in relation to free negroes and mulattoes,) after the words Southern States, was offered by Mr. Clarke, the mover of the original order, as an amendment to Mr. Abbott's amendment, and was accepted by him under the impression that it only referred to Traitors and Copperheads, North of Mason and Dixon's Line ;

Which was adopted.

In accordance with an order adopted on Saturday last, (page 84,) the President made the following apportionment of the Committee Clerks :

Wm. R. McCulley—Committee on Declaration of Rights, Committee on Executive Department, Committee on Basis of Representation, Committee on Legislative Department, Committee on Elections—5.

Thomas Tipton—Committee on Judiciary Department, Committee on State's Attorneys, Committee on Engrossment and Revision, Committee on Education and the Encouragement of Literature, Committee on the Appointment, Tenure

of Office, Duties and Compensation of all Civil Offices not embraced in the duties of other Standing Committees—5.

George Johnson—Committee on Treasury Department, Committee on Elective Franchise and Qualification of Voters, Committee on Militia and Military Affairs, Committee on Rights, Duties, Divisions and Sub-Divisions of Counties, Committee on such Provisions and Ordinances as may be desirable to carry into effect amendments to the Constitution—5.

Skipwith C. Gorrell—Committee on Accounts, Committee on Reporting and Printing, Committee to report future Amendments and Revisions of the Constitution, Committee on Usury Laws—4.

Mr. Belt submitted the following order :

Ordered, That the Committee upon the Basis of Representation be requested to inquire into the expediency of embodying into the Constitution a clause providing that the city of Baltimore and the several counties, shall be respectively divided into sub-divisions or electoral districts equal to the number of delegates which each shall be entitled to elect to the more numerous branch of the Legislature, and that said delegates shall be apportioned so that one shall be elected from each of said districts, by the qualified voters thereof, and not by general ticket as now practiced;

Which was adopted.

Mr. Todd submitted the following order :

Ordered, That the Committee on the Legislative Department be instructed to inquire into the expediency of changing the time of holding general elections in this State, so that the first election to be held after the adoption of this Constitution may occur at the time of the next Presidential election;

Which was adopted.

Mr. Negley submitted the following order:

Ordered, That it may be entered on the Journal, that J. P. Mayhugh is absent from his seat in this Convention on account of severe indisposition;

Which was adopted.

The Report from the Committee on Reporting and Printing, submitted on Saturday last, was then called up;

Mr. Daniel submitted the following amendment:

In the second line of the order on page 86, strike out the

word "each," after the word copy, and insert the same after the previous word "assistant," in the same line; also strike out the word "each," in 4th line of the same order;

Which was adopted.

The Report and accompanying orders were then concurred in.

The preamble and resolutions in reference to the attendance of members, submitted by Mr. Purnell on Friday last, (page 78,) was then taken up for consideration on its second reading.

Mr. Mullikin submitted the following amendment:

Resolved, That any member of this Convention who shall absent himself from the said Convention, without the consent of a majority of the members present, shall not receive his per diem for the time he is absent.

Pending the consideration of which

Mr. Barron moved to lay the whole matter on the table.

The question being on the adoption of this motion,

Mr. Purnell demanded the yeas and nays.

The demand being sustained, the yeas and nays were called and appeared as follows:

AFFIRMATIVE.

| | | |
|-------------------|----------------|----------------|
| Messrs. Audoun, | Edelen, | Miller, |
| Barron, | Harwood, | Negley, |
| Belt, | Hatch, | Noble, |
| Berry, of P. Geo. | Hollyday, | Parran, |
| Billingsley, | Hopper, | Peter, |
| Blackiston, | Horsey, | Pugh, |
| Bond, | Jones, of Som. | Robinette, |
| Briscoe, | Keefer, | Schley, |
| Brooks, | King, | Smith of Car. |
| Chambers, | Larsh, | Smith, of Dor. |
| Clarke, | Lee, | Swope, |
| Crawford, | Marbury, | Valliant, |
| Davis, of Wash. | Markey, | Wickard, |
| Dennis, | Mitchell, | Wilmer—42. |

NEGATIVE.

| | | |
|-------------------|-----------|------------|
| Messrs. | Earle, | Parker, |
| Goldsborough, P't | Ecker, | Purnell, |
| Abbott, | Galloway, | Russell, |
| Annan, | Greene, | Sands, |
| Baker, | Hebb, | Schlosser, |

| | | |
|-------------|-----------|----------------|
| Brown, | Hoffman, | Smith, of Wor. |
| Carter, | Hopkins, | Sneary, |
| Cunningham, | McComas, | Stockbridge, |
| Cushing, | Mullikin, | Sykes, |
| Daniel, | Murray, | Todd, |
| Dellinger, | Nyman, | Wooden—32. |

So the preamble and resolutions were ordered to lie on the table.

Mr. Daniel called up for consideration the Report of the Committee on Rules, (page 46.)

Said Report was then taken up, read the third time and concurred in, and the Rules as reported adopted as Rules for the government of the Convention.

On motion of Mr. Cushing,

The Order of the Day, to wit: the Report submitted by Mr. Stirling, from a majority of the Committee on the Bill of Rights;

Was then taken up for consideration on its second reading;

Mr. Briscoe, submitted the following amendment:

Article 1. Insert after the word "times" in the 3rd line the words, "in the mode prescribed in this Constitution;"

Pending the consideration thereof;

By general consent, Mr. Briscoe withdrew it.

Mr. Jones, of Somerset, submitted the following amendment:

Article 1. Add at the end thereof the following: "but this right ought only to be exercised in the mode previously agreed upon and prescribed by the people, whenever a mode of alteration or amendment of their form of government has been previously agreed upon and prescribed by the people in their written Constitution."

Pending the consideration thereof,

The Convention adjourned.

TUESDAY, May 24th, 1864.

The Convention met.

Prayer by the Rev. Mr. McNemar.

Present at the call of the roll the following members:

Messrs. Goldsborough, President, Abbott, Annan, Audoun, Baker, Belt, Berry, of Prince George's, Billingsley, Blackiston, Bond, Briscoe, Brown, Carter, Chambers, Clarke, Crawford, Cunningham, Cushing, Dail, Daniel, Davis, of Charles, Davis, of Washington, Dellinger, Dennis, Earle, Ecker, Edelen, Galloway, Greene, Harwood, Hatch, Hebb, Henkle, Hodson, Hoffman, Hollyday, Hopkins, Hopper, Horsey, Johnson, Jones, of Cecil, Jones, of Somerset, Keefer, Kennard, King, Lansdale, Larsh, Mace, Marbury, Markey, McComas, Mitchell, Miller, Morgan, Mullikin, Murray, Negley, Nyman, Parker, Parran, Peter, Pugh, Purnell, Robinette, Russell, Sands, Schley, Scott, Smith, of Carroll, Smith, of Dorchester, Smith, of Worcester, Sneary, Stirling, Stockbridge, Swope, Sykes, Thomas, Thruston, Todd, Valliant, Wickard, Wilmer, Wooden—83.

The proceedings of yesterday were read.

Mr. Purnell submitted the following order:

Ordered, That the Committee on Accounts, upon the order of the President of this Convention, pay to William R. Hammond, who temporarily discharged the duties of Postmaster, the per diem and mileage allowed to the Permanent Postmaster, for two days service in that capacity at the commencement of the session;

Which was read and referred to the Committee on Accounts.

Mr. Cushing gave notice that on to-morrow he would move to amend Rule 43, by striking out "whole number of members elected to the Convention," and insert "members present."

Mr. Sands submitted the following order:

Ordered, That this Convention shall commence its sessions at 11 o'clock each day until otherwise ordered;

The question being on its adoption, Mr. Hebb demanded the yeas and nays;

The demand being sustained, the yeas and nays were called and appeared as follows:

AFFIRMATIVE.

Messrs.

| | | |
|-------------------|------------------|--------------------|
| Goldsborough, P't | Hodson, | Purnell, |
| Abbott, | Hoffman, | Robinette, |
| Annan, | Hollyday, | Russell, |
| Baker, | Hopkins, | Sands, |
| Barron, | Hopper, | Schley, |
| Brown, | Horsey, | Smith, of Carroll, |
| Carter, | Jones, of Cecil, | Sneary, |
| Clarke, | Keefer, | Stirling, |
| Cushing, | Kennard, | Stockbridge, |
| Daniel, | Larsh, | Swope, |
| Davis, of Wash., | Markey, | Sykes, |
| Dellinger, | McComas, | Thomas, |
| Earle, | Mullikin, | Thruston, |
| Ecker, | Negley, | Todd, |
| Galloway, | Nyman, | Valliant, |
| Greene, | Parker, | Wickard, |
| Hatch, | Peter, | Wilmer, |
| Hebb, | Pugh, | Wooden—54. |

NEGATIVE.

| | | |
|-------------------|--------------------|-------------------|
| Messrs. Audoun, | Dail, | Mace, |
| Belt, | Davis, of Charles, | Marbury, |
| Berry, of P. G's. | Dennis, | Mitchell, |
| Billingsley, | Edelen, | Miller, |
| Blackiston, | Harwood, | Morgan, |
| Bond, | Henkle, | Murray, |
| Briscoe, | Johnson, | Parran, |
| Chambers, | Jones, of Som. | Scott, |
| Crawford, | King, | Smith, of Dor. |
| Cunningham, | Lee, | Smith of Wor.—30. |

So the order was adopted.

Mr. Negley submitted the following order:

Ordered, That Henry Tritch, Door-keeper to the last Legislature, be allowed two days pay and mileage for his attendance and services at the opening of this Convention.

Which was read and referred to the Committee on Accounts.

Mr. Pugh submitted the following order:

Ordered, That Harold Wingate be appointed a Page of this Convention.

Which, on motion of Mr. Hebb,

Was laid on the table.

Mr. Schley submitted the following order:

Ordered, That on and after the 27th day of June next, the per diem of the members of this Convention shall cease and be relinquished.

Mr. Daniel moved to lay this order on the table.

On which last motion,

Mr. Barron demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows:

AFFIRMATIVE.

| | | |
|--------------------|------------------|--------------------|
| Messrs. Audoun, | Hatch, | Morgan, |
| Billingsley, | Hodson, | Murray, |
| Blackiston, | Hollyday, | Nyman, |
| Bond, | Hopkins, | Parran, |
| Briscoe, | Horsey, | Purnell, |
| Brown, | Johnson, | Robinette, |
| Chambers, | Jones, of Cecil, | Scott, |
| Crawford, | Keefer, | Smith, of Carroll, |
| Cushing, | King, | Smith, of Wor. |
| Dail, | Larsh, | Sneary, |
| Daniel, | Lee, | Swope, |
| Davis, of Charles, | Mace, | Sykes, |
| Davis, of Wash. | Markey, | Valliant, |
| Dennis, | Mitchell, | Wickard, |
| Edelen, | Miller, | Wilmer—46. |
| Harwood, | | |

NEGATIVE.

| | | |
|-------------------|----------------|----------------|
| Messrs. | Ecker, | Parker, |
| Goldsborough, P't | Galloway, | Peter, |
| Abbott, | Greene, | Pugh, |
| Annan, | Hebb, | Russell, |
| Baker, | Henkle, | Sands, |
| Barron, | Hoffman, | Schley, |
| Belt, | Hopper, | Smith, of Dor. |
| Berry, of P. Geo. | Jones, of Som. | Stirling, |
| Carter, | Kennard, | Stockbridge, |
| Clarke, | Marbury, | Thomas, |
| Cunningham, | McComas, | Thruston, |
| Dellinger, | Mullikin, | Todd, |
| Earle, | Negley, | Wooden—38. |

So the order was laid on the table.

Mr. Baker submitted the following order:

Ordered, That it be entered on the Journal that Mr. Schlosser is absent from his seat on account of domestic affliction.

Which was adopted.

Mr. Thomas asked and obtained leave, by unanimous consent, to strike out the word "Comptroller" in the order adopted on Saturday last, (page 85,) and insert "Treasurer" in lieu thereof.

The Order of the Day, viz: the report submitted by Mr. Stirling, from the Committee on the Declaration of Rights, was then taken up.

The question being on the adoption of the amendment submitted by Mr. Jones, of Somerset, to wit:

Article 1. Add at the end thereof the following: "but this right ought only to be exercised in the mode previously agreed upon and prescribed by the people, whenever a mode of alteration or amendment of their form of government has been previously agreed upon and prescribed by the people in their written Constitution."

Mr. Bond submitted the following amendment to said amendment:

Strike out all after the word "manner," in the 4th line, and insert, "as may be authorized by this Constitution."

Mr. Thomas called the previous question.

On the question being put, "Shall the main question be now put?"

It was decided in the affirmative.

The question being on the amendment to the amendment, as submitted by Mr. Bond,

It was decided in the negative.

The question then recurred on the adoption of the amendment submitted by Mr. Jones, of Somerset.

Decided in the negative.

The question then recurring upon the adoption, on its second reading, of the article, as reported from the committee,

Mr. Berry, of Prince George's, demanded a division of the subject.

The question being on the adoption of the first clause of said article, to wit: "That all government of right originates from the people, is founded in compact only, and instituted solely for the good of the whole,"

Mr. Clarke demanded the yeas and nays.

The demand being sustained, the yeas and nays were called and appeared as follows:

AFFIRMATIVE.

Messrs.

| | | |
|--------------------|------------------|-----------------|
| Goldsborough, Pt. | Galloway, | Murray, |
| Abbott, | Greene, | Negley, |
| Annan, | Harwood, | Nyman, |
| Audoun, | Hatch, | Parker, |
| Baker, | Hebb, | Parran, |
| Barron, | Henkle, | Peter, |
| Belt, | Hodson, | Pugh, |
| Berry, of P. Geo. | Hoffman, | Purnell, |
| Billingsley, | Hollyday, | Robinette, |
| Blackiston, | Hopkins, | Russell, |
| Bond, | Hopper, | Sands, |
| Briscoe, | Horsey, | Schley, |
| Brown, | Johnson, | Scott, |
| Carter, | Jones, of Cecil, | Smith, of Dor., |
| Chambers, | Jones, of Som., | Smith, of Wor., |
| Clarke, | Keefer, | Sneary, |
| Crawford, | Kennard, | Stirling, |
| Cunningham, | King, | Stockbridge, |
| Cushing, | Larsh, | Swope, |
| Dail, | Lee, | Sykes, |
| Daniel, | Mace, | Thomas, |
| Davis, of Charles, | Marbury, | Thruston, |
| Davis, of Wash., | Markey, | Todd, |
| Dellinger, | McComas, | Valliant, |
| Dennis, | Mitchell, | Wickard, |
| Earle, | Miller, | Wilmer, |
| Ecker, | Morgan, | Wooden—83. |
| Edelin, | Mulikin, | |

NEGATIVE—None.

So the question was decided in the affirmative.

The question then recurred upon the adoption of the second clause of said Article, to wit: “and they have at all times the inalienable right to alter, reform or abolish their form of government in such manner as they may deem expedient.”

Mr. Clarke demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called and appeared as follows:

AFFIRMATIVE.

| | | |
|--------------------|------------------|-----------------|
| Messrs. | Galloway, | Mullikin, |
| Goldsbrough, Pt. | Greene, | Murray, |
| Abbott, | Harwood, | Negley, |
| Annan, | Hatch, | Nyman, |
| Audoun, | Hebb, | Parker, |
| Baker, | Henkle, | Peter, |
| Barron, | Hodson, | Pugh, |
| Belt, | Hoffinan, | Purnell, |
| Blackiston, | Hollyday, | Robinette, |
| Bond, | Hopkins, | Russell, |
| Brown, | Hopper, | Sands, |
| Carter, | Horse, | Schley, |
| Chambers, | Johnson, | Smith, of Wor., |
| Clarke, | Jones, of Cecil, | Sneary, |
| Crawford, | Keefer, | Stirling, |
| Cunningham, | Kennard, | Stockbridge, |
| Cushing, | King, | Swope, |
| Dail, | Larsh, | Sykes, |
| Daniel, | Mace, | Thomas, |
| Davis, of Charles, | Marbury, | Thruston, |
| Davis, of Wash., | Markey, | Todd, |
| Dellinger, | McComas, | Valliant, |
| Earle, | Mitchell, | Wickard, |
| Ecker, | Morgan, | Wooden—72. |
| Edelen, | | |

NEGATIVE.

| | | |
|------------------|-----------------|-----------------|
| Messrs. | Dennis, | Parran, |
| Berry, of P. G., | Jones, of Som., | Scott, |
| Billingsley, | Lee, | Smith, of Dor., |
| Briscoe, | Miller, | Wilmer—11. |

So the question was decided in the affirmative.

Mr. Chambers moved that the further consideration of the Order of the Day be postponed until Friday next;

Mr. Hebb moved to amend said motion as follows:

That the debate on the Declaration of Rights be postponed until Friday next at 1 o'clock, as to Articles 4th, 23d and 36th of the Report of the Committee;

Decided in the negative.

The question then recurring upon the motion of Mr. Chambers,

Mr. Hebb demanded the yeas and nays.

The call being sustained,

The yeas and nays were called and appeared as follows:

AFFIRMATIVE.

| | | |
|-------------------|--------------------|-----------------|
| Messrs. | Davis, of Charles, | Mace, |
| Goldsborough, P't | Dennis, | Marbury, |
| Belt, | Edelen | Mitchell, |
| Berry, of P. G., | Harwood, | Miller, |
| Billingsley, | Henkle, | Morgan, |
| Blackiston, | Hodson, | Murray, |
| Bond, | Hollyday, | Parran, |
| Briscoe, | Horsey, | Peter, |
| Brown, | Johnson, | Purnell, |
| Chambers, | Jones, of Som. | Smith, of Dor., |
| Clarke, | King, | Smith, of Wor., |
| Crawford, | Larsh, | Thomas, |
| Dail, | Lee, | Wilmer—39. |
| Daniel, | | |

NEGATIVE.

| | | |
|------------------|------------------|--------------|
| Messrs. Abbott, | Hoffman, | Russell, |
| Annan, | Hopkins, | Sands, |
| Audoun, | Hopper, | Schley, |
| Baker, | Jones, of Cecil, | Scott, |
| Carter, | Keefer, | Sneary, |
| Cunningham, | Kennard, | Stirling, |
| Davis, of Wash., | Markey, | Stockbridge, |
| Dellinger, | McComas, | Swope, |
| Earle, | Mullikin | Sykes, |
| Ecker, | Negley, | Thruston, |
| Galloway, | Nyman, | Todd, |
| Greene, | Parker, | Valliant, |
| Hatch, | Pugh, | Wickard, |
| Hebb, | Robinette, | Wooden—42. |

So the motion was decided in the negative.

The Convention then adjourned.

WEDNESDAY, May 25th, 1864.

The Convention met.

Prayer by the Rev. Mr. Patterson.

Present at the call of the roll, the following members:

Messrs. Goldsborough, President, Abbott, Annon, Audoun, Baker, Barron, Belt, Berry, of Prince George's, Billingsley, Blackiston, Bond, Briscoe, Brooks, Brown, Carter, Clarke, Crawford, Cunningham, Cushing, Dail, Daniel, Davis, of Charles, Davis, of Washington, Dellinger, Earle, Ecker, Edelen, Farrow, Galloway, Greene, Harwood, Hatch, Hebb, Henkle, Hodson, Hoffman, Hollyday, Hopkins, Hopper, Horsey, Jones, of Cecil, Jones, of Somerset, Keefer, Kennard, King, Lee, Marbury, Markey, McComas, Mitchell, Miller, Morgan, Mullikin, Murray, Negley, Noble, Nyman, Parker, Parran, Peter, Pugh, Purnell, Ridgely, Robinette, Russell, Sands, ter, Smith, of Worcester, Sneary, Stirling, Stockbridge, Schley, Schlosser, Scott, Smith, of Carroll, Smith, of Dorches-Swope, Sykes, Thomas, Thruston, Todd, Valliant, Wickard, Wilmer, Wooden—85.

The proceedings of yesterday were read.

Mr. Valliant submitted the following order:

Ordered, That one hundred and thirty copies of the Rules and Orders for the government of the Convention be printed in pamphlet form for the use of the members;

The consideration of which was postponed until to-morrow.

Mr. Stirling submitted the following order:

Ordered, That the Committee on Accounts be authorized to pay to Mr. Garmond, of Washington county, for services rendered to the Committee on the Bill of Rights, such per diem as they may think reasonable;

Which was adopted.

Mr. Clarke from the Committee to consider and report respecting the Appointment, Tenure of Office, Duties and Compensation of all Civil Offices not embraced in the duties of other Standing Committees, submitted the following

REPORT:

The Committee to consider and report respecting the Appointment, Tenure of Office, Duties and Compensation of all

Civil Offices not embraced in the duties of other Standing Committees, respectfully submit the following Article and sections to be embodied in the Constitution :

Section 1. The Governor, the Comptroller of the Treasury and the Treasurer, shall constitute the Board of Public Works, who shall exercise a diligent and faithful supervision of all public works in which the State may be interested as stockholder or creditor, and shall appoint the Directors, in every Railroad or Canal Company in which the State has the legal power to appoint Directors, which said Directors shall represent the State in all meetings of the Stockholders of every Railroad or Canal Company in which the State is a Stockholder ; it shall be the duty of the said Board of Public Works to receive from time to time, the rate of tolls adopted by any company, use all legal powers which they may possess to obtain the establishment of rates of tolls, which may prevent an injurious competition with each other, to the detriment of the interests of the State, and so to adjust them as to promote the agriculture of the State ; the said Board of Public Works shall keep a journal of their proceedings, they shall hold regular sessions in the city of Annapolis, on the first Monday in January, the first Monday in April, the first Monday in July and the first Monday in October, in each year, and oftener if necessary, at which sessions they shall hear and determine such matters as affect the public works of the State, and the Legislature may confer upon them the power to decide ; they shall at each regular session of the Legislature, make a report to the General Assembly and recommend such legislation as they shall deem necessary and requisite to promote or protect the interests of the State in the Public Works, and perform such other duties as may be hereafter prescribed by law ; the Governor, Comptroller of the Treasury and Treasurer shall receive no additional salary for the services rendered as members of the Board of Public Works.

Sec. 2. There shall be a Commissioner of the Land Office, elected by the qualified voters of the State, on the
day of _____ in the year _____

who shall hold his office for the term of six years from the first day of January next after his election. The returns of said election shall be made to the Governor, and in the event of a tie between any two or more candidates the Governor shall direct a new election to be held by writs to the Sheriffs of the several counties, who shall hold said election after at least twenty days notice, exclusive of the day of election. He shall perform such duties as are now required of the Commissioner of the Land Office, and shall be keeper of the Chancery Records. He shall receive a salary of

eighteen hundred dollars per annum, to be paid out of the Treasury, and shall charge such fees as are now or may be hereafter fixed by law. The said Commissioner of the Land Office shall make a semi-annual report of all the fees of his office to the Comptroller of the Treasury, and shall pay the same semi-annually into the Treasury.

Sec. 3. The State Librarian shall be elected by joint vote of the two branches of the Legislature for four years, and until his successor shall be elected and qualified. His salary shall be fifteen hundred dollars per annum. He shall perform such duties as are now or may hereafter be prescribed by law.

Sec. 4. The county authorities, now known as County Commissioners, shall be styled "County Commissioners," and shall be elected by general ticket, and not by districts, by the voters of the several counties, on the _____ day of _____ in the year _____ and on the same day in every second year thereafter; said Commissioners shall exercise such powers and perform such duties only as the Legislature may from time to time prescribe; but such powers and duties shall be similar, and the tenure of office uniform throughout the State, and the Legislature shall have power to pass such laws as may be necessary for determining the number for each county, fixing the salary, and ascertaining and defining the powers, duties and tenure of office of said Commissioners; and the Commissioners elected under this Constitution shall have and exercise all the powers and duties in their respective counties, now exercised by the County Commissioners under the laws of the State, and they shall receive the same salary, and their present number in the several counties shall remain the same until changed by law.

Sec. 5. The General Assembly shall provide by law for the appointment of Road Supervisors and Constables in the several counties by the County Commissioners, and the number of said Supervisors and Constables in the several Election Districts in the several counties shall be determined by the said County Commissioners, but the tenure of office shall be uniform, and their powers and duties shall be similar throughout the State.

Sec. 6. The qualified voters of each county and the city of Baltimore shall, on the _____ day of _____ in the year _____ and every two years thereafter, elect a Surveyor for the counties and the city of Baltimore respectively, whose duties and compensation shall be the same as are now prescribed by law for the County and City Surveyors respectively, or as may hereafter be pre-

scribed by law. The term of office of said County and City Surveyors respectively, shall commence on the first Monday of January next succeeding their election. And vacancies in said office of Surveyors, by death, resignation or removal from their respective counties or city, shall be filled by the Commissioners of the counties, or the Mayor and City Council of Baltimore respectively.

Sec. 7. The qualified voters of Worcester county shall, on the _____ day of _____ in the year _____ and every two years thereafter, elect a Wreck Master for said county, whose duties and compensation shall be the same as are now prescribed or may be hereafter prescribed by law; the term of office of said Wreck Master shall commence on the first Monday of January next succeeding his election, and a vacancy in said office by death, resignation or removal from the county, shall be filled by the County Commissioners of said county for the residue of the term thus made vacant.

Sec. 8. The General Assembly may provide by law for the election or appointment of such other officers as may be required and are not herein provided for, and prescribe their powers and duties, but the tenure of office and mode of appointment of all county officers shall be uniform and their powers and duties shall be similar throughout the State.

Sec. 9. All persons holding any office under Article seven of the present Constitution, whether by appointment or election, and whose offices are not abolished by this Constitution, shall continue to hold their respective offices for the periods for which they have been elected or appointed, and until their successors shall be duly elected or appointed, and shall qualify according to law.

Which was read the first time.

On motion of Mr. Daniel, it was

Ordered, That the use of this Hall be granted to the Blind Asylum of Baltimore on Wednesday evening next, the first of June, for the purpose of holding a concert.

By general consent, Mr. Cushing withdrew the notice given yesterday in reference to Rule forty-three, (page 91,) and gave notice that on to-morrow he would move to amend Rules forty-two and forty-three as follows :

Amend Rule forty-two by striking out the words, "on the final passage of a report or."

Amend Rule forty-three by striking out all after the word "Journal" in the third line.

The Order of the Day, to wit: the report submitted by Mr. Stirling, from the Committee on the Declaration of Rights, was then taken up.

Mr. Peter submitted the following amendment :

Amend Article second by adding after the word thereof, in the last line, the following :

“Provided, however, that in times of civil war the internal government and police of this State shall be exclusively regulated by military commanders and Provost Marshals appointed by the President of the United States, and such orders as the President of the United States may deem right and proper.”

Mr. Hebb called the previous question.

On the question being put, “Shall the main question be now put?”

It was decided in the affirmative.

The question being on the amendment submitted by Mr. Peter,

Mr. Belt demanded the yeas and nays.

The demand being sustained, the yeas and nays were called and appeared as follows:

AFFIRMATIVE—None.

NEGATIVE.

| | | |
|--------------------|------------------|--------------------|
| Messrs. | Galloway, | Nyman, |
| Goldsborough, P't | Greene, | Parker, |
| Abbott, | Harwood, | Parran, |
| Annan, | Hatch, | Peter, |
| Audoun, | Hebb, | Pugh, |
| Baker, | Henkle, | Purnell, |
| Barron, | Hoffman, | Ridgely, |
| Belt, | Hollyday, | Robinette, |
| Berry, of P. Geo., | Hopkins, | Russell, |
| Billingsley, | Hopper, | Sands, |
| Blackiston, | Horsey, | Schley, |
| Bond, | Johnson, | Schlosser, |
| Briscoe, | Jones, of Cecil, | Scott, |
| Brooks, | Jones, of Som., | Smith, of Carroll, |
| Brown, | Keefer, | Smith, of Dor., |
| Carter, | Kennard, | Smith, of Wor., |
| Clarke, | King, | Sneary, |
| Crawford, | Lee, | Stirling, |
| Cunningham, | Marbury, | Stöckbridge, |

| | | |
|--------------------|-----------|------------|
| Cushing, | Markey, | Swope, |
| Dail, | McComas, | Sykes, |
| Daniel, | Mitchell, | Thomas, |
| Davis, of Charles, | Miller, | Thurston, |
| Davis, of Wash., | Morgan, | Todd, |
| Dellinger, | Mullikin, | Valliant, |
| Earle, | Murray, | Wickard, |
| Ecker, | Negley, | Wilmer, |
| Edelen, | Noble, | Wooden—84. |
| Farrow, | | |

So the amendment was rejected.

The question then recurring on the adoption of the 2d article, on its second reading,

It was decided in the affirmative.

Mr. Marbury submitted the following amendment:

Amend the 3d article by adding to the end thereof the following words: “and all other property which they have acquired and hold under the Constitution and laws of this State, and the Constitution and laws of the United States, as well in times of war as in times of peace.”

The question being on the adoption of said amendment,

Mr. Jones, of Somerset, demanded a division of the matter.

The question being on the adoption of the first clause of said amendment, to wit: “and all other property which they have acquired and hold under the Constitution and laws of this State, and the Constitution and laws of the United States.”

Mr. Clarke demanded the yeas and nays.

The demand being sustained, the yeas and nays were called and appeared as follows:

AFFIRMATIVE.

| | | |
|--------------------|--------------------|-----------------|
| Messrs. Belt, | Dail, | Lee, |
| Berry, of P. Geo., | Davis, of Charles, | Marbury, |
| Billingsley, | Edelen, | Mitchell, |
| Blackiston, | Harwood, | Miller, |
| Bond, | Henkle, | Morgan, |
| Briscoe, | Hollyday, | Parran, |
| Brown, | Horsey, | Peter, |
| Clarke, | Johnson, | Smith, of Dor., |
| Crawford, | Jones, of Som., | Wilmer—27. |

NEGATIVE.

| | | |
|-------------------|------------------|--------------------|
| Messrs. | Hebb, | Robinette, |
| Goldsborough, P't | Hoffman, | Russell, |
| Abbott, | Hopkins, | Sands, |
| Annan, | Hopper, | Schley, |
| Audoun, | Jones, of Cecil, | Schlosser, |
| Baker, | Keefer, | Scott, |
| Barron, | Kennard, | Smith, of Carroll, |
| Brooks, | King, | Smith, of Wor., |
| Carter, | Markey, | Sneary, |
| Cunningham, | McComas, | Stirling, |
| Cushing, | Mullikin, | Stockbridge, |
| Daniel, | Murray, | Swope, |
| Davis, of Wash., | Negley, | Sykes, |
| Dellinger, | Noble, | Thomas, |
| Earle, | Nyman, | Thruston, |
| Ecker, | Parker, | Todd, |
| Farrow, | Pugh, | Valliant, |
| Galloway, | Purnell, | Wickard, |
| Greene, | Ridgely, | Wooden—57. |
| Hatch, | | |

So the question was decided in the negative.

The question being on the adoption of the second clause of said amendment to wit: "as well in times of war as in times of peace."

Mr. Marbury demanded the yeas and nays;

The demand being sustained, the yeas and nays were called and appeared as follows:

AFFIRMATIVE.

| | | |
|--------------------|--------------------|-----------------|
| Messrs. Belt, | Davis, of Charles, | Lee, |
| Berry, of P. Geo., | Edelen, | Marbury, |
| Billingsley, | Harwood, | Mitchell, |
| Blackiston, | Henkle, | Miller, |
| Bond, | Hodson, | Morgan, |
| Briscoe, | Hollyday, | Parran, |
| Brown, | Horse, | Peter, |
| Clarke, | Johnson, | Smith, of Dor., |
| Crawford, | Jones, of Som. | Wilmer—28. |
| Dail, | | |

NEGATIVE.

| | | |
|-------------------|----------|------------|
| Messrs. | Hebb, | Robinette, |
| Goldsborough, P't | Hoffman, | Russell, |
| Abbott, | Hopkins, | Sands, |
| Annan, | | |

| | | |
|------------------|------------------|--------------------|
| Audoun, | Hopper, | Schley, |
| Baker, | Jones, of Cecil, | Schlosser, |
| Barron, | Keefer, | Scott, |
| Brooks, | Kennard, | Smith, of Carroll, |
| Carter, | King, | Smith, of Wor., |
| Cunningham, | Markey, | Sneary, |
| Cushing, | McComas, | Stirling, |
| Daniel, | Mullikin, | Stockbridge, |
| Davis, of Wash., | Murray, | Swope, |
| Dellinger, | Negley, | Sykes, |
| Earle, | Noble, | Thomas, |
| Ecker, | Nyman, | Thruston, |
| Farrow, | Parker, | Todd, |
| Galloway, | Pugh, | Valliant, |
| Greene, | Purnell, | Wickard, |
| Hatch, | Ridgely, | Wooden—57. |

So the question was decided in the negative.

Mr. Belt submitted the following amendments :

Art. 3—Add the words; “And that no right of property, now lawfully held in this State, ought to be destroyed or impaired, without compensation to the owners thereof.”

Mr. Schley called the previous question;

On the question being put, “shall the main question be now put?”

It was decided in the affirmative.

The question being on the adoption of the amendment submitted by Mr. Belt,

Mr. Berry, of Prince George’s, demanded the yeas and nays,

The demand being sustained, the yeas and nays were called and appeared as follows:

AFFIRMATIVE.

Messrs.

| | | |
|-----------------|--------------------|----------------|
| Belt, | Dail, | Jones, of Som. |
| Berry, of P. G. | Davis, of Charles, | Marbury, |
| Billingsley, | Edelen, | Mitchell, |
| Blackiston, | Harwood, | Miller, |
| Bond, | Henkle, | Morgan, |
| Briscoe, | Hodson, | Parran, |
| Brown, | Hollyday, | Peter, |
| Clarke, | Horsey, | Smith, of Dor. |
| Crawford, | Johnson, | Wilmer—27. |

NEGATIVE.

Messrs.

| | | |
|-------------------|------------------|--------------------|
| Goldsborough, P't | Hebb, | Robinette, |
| Abbott, | Hoffman, | Russell, |
| Annan, | Hopkins, | Sands, |
| Audoun, | Hopper, | Schley, |
| Baker, | Jones, of Cecil, | Schlosser, |
| Barron, | Keefer, | Scott, |
| Brooks, | Kennard, | Smith, of Carroll, |
| Carter, | King, | Smith, of Wor. |
| Cunningham, | Markey, | Sneary, |
| Cushing, | McComas, | Stirling, |
| Daniel, | Mullikin, | Stockbridge, |
| Davis, of Wash., | Murray, | Swope, |
| Dellinger, | Negley, | Sykes, |
| Earle, | Noble, | Thomas, |
| Ecker, | Nyman, | Thruston, |
| Farrow, | Parker, | Todd, |
| Galloway, | Pugh, | Valliant, |
| Greene, | Purnell, | Wickard, |
| Hatch, | Ridgely, | Wooden—57. |

So the amendment was rejected.

The said article was then adopted on its second reading.

The consideration of Article 4 was passed over informally.

Mr. King submitted the following amendment :

Article 5, 7th line, strike out all after the word "Government."

Which was rejected.

Mr. Scott submitted the following amendment :

Article 14, strike out all between the word "that" in the first line, and the word "every" in the third line.

Mr. Daniel submitted the following amendment to said amendment :

Strike out the 14th Article, and insert: That every person in this State, or person holding property therein, ought to contribute his proportion of public taxes for the support of Government, according to his actual worth in real or personal property; and that fines, duties or taxes may properly and justly be imposed or laid on persons or property for the good government and benefit of the community.

The question being on the adoption of the said amendment to the amendment,

Mr. Daniel demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|------------------|-----------------|
| Messrs. | Earle, | Noble, |
| Goldsborough, P't | Greene, | Parker, |
| Annan, | Hebb, | Pugh, |
| Belt, | Henkle, | Robinette, |
| Bond, | Hodson, | Scott, |
| Brown, | Hopper, | Smith, of Dor., |
| Carter, | Horse, | Sueary, |
| Clarke, | Johnson, | Sykes, |
| Cushing, | Jones, of Cecil, | Todd, |
| Dail, | Jones, of Som., | Valliant, |
| Daniel, | Lee, | Wickard, |
| Dellinger, | Miller, | Wilmer—35. |

NEGATIVE.

| | | |
|--------------------|-----------|--------------------|
| Messrs. Abbott, | Galloway, | Nyman, |
| Audoun, | Harwood, | Parran, |
| Baker, | Hatch, | Peter, |
| Barron, | Hoffman, | Purnell, |
| Berry, of P. Geo., | Hopkins, | Ridgely, |
| Billingsley, | Keefer, | Russell, |
| Blackiston, | Kennard, | Sands, |
| Briscoe, | King, | Schley, |
| Brooks, | Marbury, | Schlosser, |
| Crawford, | Markey, | Smith, of Carroll, |
| Cunningham, | McComas, | Smith, of Wor., |
| Davis, of Charles, | Mitchell, | Stirling, |
| Davis, of Wash., | Morgan, | Stockbridge, |
| Ecker, | Mullikin, | Swope, |
| Edelen, | Murray, | Thomas, |
| Farrow, | Negley, | Wooden—48. |

So the amendment to the amendment was rejected.

Mr. Greene submitted the following amendment to the amendment as submitted by Mr. Scott:

Strike out Article 14, and insert the following as Article 14: That paupers ought not to be assessed for the support of the Government, but every person in the State, holding property therein, ought to contribute his proportion of public taxes for the support of Government, according to his actual worth in real or personal property; and fines, duties or taxes may properly and justly be imposed or laid on persons or

property for the good government and benefit of the community; provided, that no capitation tax shall be imposed as a qualification for the exercise of the right of suffrage.

Pending the consideration of which,

The Convention adjourned.

THURSDAY, May 26th, 1864.

The Convention met,

Prayer by the Rev. Mr. Owen.

Present at the call of the roll the following members :

Messrs. Goldsborough, President, Abbott, Annan, Audoun, Baker, Barron, Belt, Berry, of Prince George's, Billingsley, Blackiston, Bond, Briscoe, Brown, Carter, Crawford, Cunningham, Cushing, Dail, Daniel, Davis, of Charles, Davis, of Washington, Dellinger, Dennis, Duvall, Earle, Ecker, Edelen, Farrow, Galloway, Greene, Harwood, Hatch, Hebb, Henkle, Hodson, Hopkins, Hopper, Horsey, Johnson, Jones, of Cecil, Jones, of Somerset, Keefer, Kennard, King, Lansdale, Larsh, Lee, Mace, Marbury, Markey, McComas, Mitchell, Miller, Morgan, Mullikin, Murray, Negley, Noble, Nyman, Parker, Parran, Peter, Pugh, Purnell, Ridgely, Robinette, Russell, Schley, Schlosser, Scott, Smith, of Carroll, Smith, of Dorchester, Smith, of Worcester, Sneary, Stirling, Stockbridge, Sykes, Thomas, Thruston, Todd, Wickard, Wilmer, Wooden—83.

The proceedings of yesterday were read.

On motion of Mr. Smith, of Carroll,

It was ordered to be entered on the Journal that Dr. John Swope, of Carroll county, is absent from the Convention on account of the illness of his brother.

The order submitted by Mr. Valliant on yesterday, to wit : that one hundred and thirty copies of the Rules be printed in pamphlet form for the use of the members,

Was taken up,

On motion of Mr. Cushing,

The consideration of the order was postponed until to-morrow.

In accordance with notice given by Mr. Cushing on yesterday, he submitted the following amendments to the report of the Committee on Rules :

Rule 42. Strike out the words "on the final passage of a report or," in the first and second lines.

Rule. 43. Strike out all after the word "Journal," in the third line.

The question being on the adoption of the first amendment:

Mr. Berry, of Prince George's, demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

| | | |
|-----------------|------------------|------------|
| Messrs. Abbott, | Hebb, | Nyman, |
| Annan, | Hopkins, | Pugh, |
| Baker, | Hopper, | Robinette, |
| Carter, | Jones, of Cecil, | Russell, |
| Cunningham, | Keefer, | Schley, |
| Cushing, | King, | Schlosser, |
| Davis, of Wash. | Larsh, | Sneary, |
| Dellinger, | Mace, | Stirling, |
| Ecker, | Markey, | Sykes, |
| Farrow, | McComas, | Thruston, |
| Galloway, | Mullikin, | Todd, |
| Greene, | Negley, | Wickard, |
| Hatch, | Noble, | Wooden—39. |

NEGATIVE.

| | | |
|-------------------|----------------|--------------------|
| Messrs. | Dennis, | Miller, |
| Goldsborough, Pt. | Duvall, | Morgan, |
| Audoun, | Earle, | Murray, |
| Barron, | Edelen, | Parker, |
| Belt, | Harwood, | Parran, |
| Berry, of P. G. | Henkle, | Peter, |
| Billingsley, | Hodson, | Purnell, |
| Blackiston, | Horsey, | Ridgely, |
| Bond, | Johnson, | Scott, |
| Briscoe, | Jones, of Som. | Smith, of Carroll, |
| Brown, | Kennard, | Smith, of Dorch'r, |
| Crawford, | Lansdale, | Smith, of Wor., |

| | | |
|--------------------|-----------|------------|
| Dail, | Lee, | Thomas, |
| Daniel, | Marbury, | Wilmer—43. |
| Davis, of Charles, | Mitchell, | |

So the question upon its adoption was decided in the negative.

Mr. Cushing withdrew the second amendment, and gave notice that on to-morrow he would offer the following amendments:

Amend Rule 42 by striking out the words “on the final passage of a report, or a motion to suspend the Rules, or.”

Amend Rule 43 by striking out all after the word “nays” in the second line.

The Order of the Day being the majority report of the Committee on the Bill of Rights,

Was taken up.

The question being on the adoption of the amendment submitted by Mr. Greene to the amendment of Mr. Scott, to wit:

Strike out Article 14, and insert the following as Article 14: That paupers ought not to be assessed for the support of the Government, but every person in the State, holding property therein, ought to contribute his proportion of public taxes for the support of Government, according to his actual worth in real or personal property; and fines, duties or taxes may properly and justly be imposed or laid on persons or property for the good government and benefit of the community: provided, that no capitation tax shall be imposed as a qualification of the exercise of the right of suffrage.

Mr. Thomas demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows:

AFFIRMATIVE.

| | | |
|-------------------|--------------------|-----------------|
| Messrs. | Henkle, | Murray, |
| Goldsborough, P't | Hodson, | Noble, |
| Annan, | Hopkins, | Nyman, |
| Belt, | Hopper, | Parker, |
| Bond, | Horsey, | Pugh, |
| Carter, | Johnson, | Robinette, |
| Cushing, | Jones, of Cecil, | Schley, |
| Dail, | Jones of Somerset, | Scott, |
| Daniel, | King, | Smith, of Dor., |
| Davis, of Wash., | Lansdale, | Sneary, |

| | | |
|------------|-----------|------------|
| Dellinger, | Larsh, | Sykes, |
| Dennis, | Lee, | Thruston, |
| Earle, | Mace, | Todd, |
| Farrow | Miller, | Wickard, |
| Greene, | Mullikin, | Wilmer—45. |
| Hebb, | | |

NEGATIVE.

| | | |
|--------------------|-----------|--------------------|
| Messrs. Abbott, | Ecker, | Parran, |
| Audoun, | Edelen, | Peter, |
| Baker, | Galloway, | Purnell, |
| Barron, | Harwood, | Ridgely, |
| Berry, of P. Geo., | Hatch, | Russell, |
| Billingsley, | Keefer, | Schlosser, |
| Blackiston, | Kennard, | Smith, of Carroll, |
| Briscoe, | Marbury, | Smith, of Wor., |
| Brown, | Markey, | Stirling, |
| Crawford, | McComas, | Stockbridge, |
| Cunningham, | Mitchell, | Thomas, |
| Davis, of Charles, | Morgan, | Wooden—38. |
| Duvall, | Negley, | |

So the question upon its adoption was decided in the affirmative.

Mr. Miller submitted the following amendment to the amendment last adopted:

After the word “suffrage,” in the last line, insert: But it being the duty of every qualified voter to exercise the right of suffrage, the Legislature ought to provide, by law, fines and penalties for the refusal or neglect to vote without reasonable excuse.

The question being on the adoption of the amendment,

Mr. Miller demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows:

AFFIRMATIVE.

| | | |
|---------------|-----------|-----------|
| Messrs. Belt, | Henkle, | Lee, |
| Blackiston, | Johnson, | Miller, |
| Bond, | Lansdale, | Parker—9. |

NEGATIVE.

| | | |
|-------------------|-----------|---------|
| Messrs. | Edelen, | Noble, |
| Goldsborough, P't | Farrow, | Nyman, |
| Abbott, | Galloway, | Parran, |
| Annan, | Greene, | Peter, |

| | | |
|--------------------|------------------|--------------------|
| Audoun, | Harwood, | Pugh, |
| Baker, | Hebb, | Purnell, |
| Barron, | Hopkins, | Ridgely, |
| Berry, of P. Geo., | Hopper, | Robinette, |
| Billingsley, | Horsey, | Russell, |
| Briscoe, | Jones, of Cecil, | Schley, |
| Brown, | Jones, of Som., | Schlosser, |
| Carter, | Keefer, | Scott, |
| Crawford, | Kennard, | Smith, of Carroll, |
| Cunningham, | King, | Smith, of Dor., |
| Cushing, | Larsh, | Smith, of Wor., |
| Dail, | Mace, | Sneary, |
| Daniel, | Marbury, | Stirling, |
| Davis, of Charles, | Markey, | Stockbridge, |
| Davis, of Wash., | McComas, | Thomas, |
| Dellinger, | Mitchell, | Thruston, |
| Dennis, | Morgan, | Todd, |
| Duvall, | Mullikin, | Wickard, |
| Earle, | Murray, | Wilmer—71. |
| Ecker, | Negley, | |

So the question upon its adoption was decided in the negative.

Mr. Ridgely submitted the following amendment to the amendment last adopted:

After the word "suffrage," in the last line, insert: "Nor for any other purpose than the promotion of public education."

The question being on the adoption of the amendment,

Mr. Thomas demanded the yeas and nays ;

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|------------------|-----------|------------|
| Messrs. Baker, | King, | Parran, |
| Cunningham, | Larsh, | Pugh, |
| Cushing, | Mace, | Ridgely, |
| Davis, of Wash., | McComas, | Robinette, |
| Farrow, | Mitchell, | Schley, |
| Galloway, | Mullikin, | Schlosser, |
| Greene, | Murray, | Scott, |
| Hebb, | Noble, | Stirling, |
| Hopper, | Nyman, | Thruston, |
| Jones, of Cecil, | Parker, | Todd—31. |
| Keefer, | | |

NEGATIVE.

| | | |
|--------------------|-----------------|--------------------|
| Messrs. | Dellinger, | Markey, |
| Goldsborough P't, | Dennis, | Miller, |
| Abbott, | Duvall, | Morgan, |
| Annon, | Earle, | Negley, |
| Audoun, | Ecker, | Peter, |
| Barron, | Edelen, | Purnell, |
| Belt, | Harwood, | Russell, |
| Berry, of P. Geo., | Hatch, | Smith, of Carroll, |
| Billingsley, | Henkle, | Smith, of Dor., |
| Blackiston, | Hodson, | Smith, of Wor., |
| Bond, | Hopkins, | Sneary, |
| Briscoe, | Horsey, | Stockbridge, |
| Brown, | Johnson, | Sykes, |
| Carter, | Jones, of Som., | Thomas, |
| Crawford, | Kennard, | Wickard, |
| Dail, | Lansdale, | Wilmer, |
| Daniel, | Lee, | Wooden—52. |
| Davis, of Charles, | Marbury, | |

So the question upon its adoption was decided in the negative.

Mr. Jones, of Somerset, submitted the following amendment to the amendment last adopted:

Strike out the amendment and insert,

“Article 14, The General Assembly shall have power to lay and collect taxes for the defence of the State, and the support of the government thereof, and for purposes of education ; also to lay any imposts or duties on imports or exports which may be absolutely necessary for the execution of the State Inspection Laws ; and also such fines, duties or taxes as they may deem expedient and proper for the good government and benefit of the community,

Decided in the negative.

Mr. Peter moved that the House do now adjourn;

Decided in the negative.

Mr. Stirling, submitted the following amendment to the amendment last adopted:

Strike out all after the word “that” in the first line, and insert the words, “paupers ought not to be assessed for the support of the Government, but every other person in the State, or person holding property therein, ought to contribute his proportion of public taxes for the support of Government, according to his actual worth in real or personal pro-

perty; yet fines, duties or taxes may properly and justly be imposed or laid for the good government and benefit of the community.’’

The question being on the adoption of the amendment;

Mr. Schlosser, demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called and appeared as follows:

AFFIRMATIVE.

| | | |
|--------------------|--------------------|----------------|
| Messrs. | Davis, of Wash. | Morgan, |
| Goldsborough, P't | Dellinger, | Mullikin, |
| Abbott, | Ecker, | Murray, |
| Annan, | Edelen, | Noble, |
| Baker, | Farrow, | Nyman, |
| Belt, | Galloway, | Parker, |
| Berry, of P. Geo. | Hopper, | Peter, |
| Billingsley, | Jones, of Somerset | Purnell, |
| Brown, | Keefer, | Robinette, |
| Carter, | Kennard, | Russell, |
| Crawford, | Mace, | Schlosser, |
| Cunningham, | Markey, | Scott, |
| Cushing, | McComas, | Smith, of Wor. |
| Dail, | Mitchell, | Sneary, |
| Davis, of Charles, | Miller, | Stirling—44. |

NEGATIVE.

| | | |
|-----------------|------------------|--------------------|
| Messrs. Audoun, | Hopkins, | Schley, |
| Barron, | Horsey, | Smith, of Carroll, |
| Bond, | Johnson, | Smith, of Dor. |
| Briscoe, | Jones, of Cecil, | Stockbridge, |
| Daniel, | King, | Sykes, |
| Dennis, | Lansdale, | Thomas, |
| Earle, | Lee, | Thruston, |
| Green, | Marbury, | Todd, |
| Harwood, | Negley, | Wickard, |
| Hatch, | Pugh, | Wilmer, |
| Hebb, | Ridgely, | Wooden—33. |

So the question upon its adoption was decided in the affirmative.

The Convention adjourned.

FRIDAY, May 27th, 1864.

The Convention met.

Prayer by the Rev. Mr. Davenport.

Present at the call of the roll the following members:

Messrs. Goldsborough, President, Abbott, Annan, Audoun, Baker, Barron, Belt, Berry, of Baltimore co., Berry, of Prince George's, Billingsley, Blackiston, Bond, Brooks, Brown, Carter, Clarke, Crawford, Cunningham, Cushing, Daniel, Davis, of Charles, Davis of Washington, Dellinger, Duvall, Earle, Ecker, Edelen, Farrow, Galloway, Green, Harwood, Hebb, Henkle, Hodson, Hoffman, Hopkins, Hopper, Horsey, Johnson, Jones, of Cecil, Jones, of Somerset, Keefer, King, Lansdale, Larsh, Lee, Marbury, Markey, McComas, Mitchell, Miller, Morgan, Mullikin, Murray, Negley, Noble, Nyman, Parker, Parran, Peter, Pugh, Purnell, Robinette, Russell, Sands, Schley, Scott, Smith, of Carroll, Smith, of Dorchester, Sneary, Stirling, Sykes, Thomas, Thruston, Todd, Valliant, Wickard, Wilmer, Wooden—81.

The proceedings of yesterday were read.

The order submitted by Mr. Valliant on Wednesday, to wit: that one hundred and thirty copies of the Rules be printed in pamphlet form for the use of the members;

Was taken up.

Mr. Valliant moved to postpone the consideration of the order until to-morrow.

Decided in the negative.

The question recurring upon the adoption of the order,

It was decided in the affirmative.

Mr. Cushing, in accordance with previous notice given, submitted the following amendments to the Report of the Committee on Rules:

Amend Rule 42 by striking out the words "on the final passage of a report, or a motion to suspend the rules, or."

Amend Rule 43 by striking out all after the word "nays," in the second line.

The question being on the adoption of the first amendment, Mr. Hebb demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called and appeared as follows:

AFFIRMATIVE.

| | | |
|-----------------|------------------|------------|
| Messrs. Abbott, | Hoffman, | Pugh, |
| Annan, | Hopkins, | Purnell, |
| Baker, | Hopper, | Robinette, |
| Barron, | Jones, of Cecil, | Russell, |
| Carter, | Keefer, | Sands, |
| Cunningham, | Kennard, | Schley, |
| Cushing, | King, | Sneary, |
| Daniel, | Larsh, | Stirling, |
| Davis, of Wash. | Markey, | Sykes, |
| Dellinger, | McComas, | Thruston, |
| Ecker, | Mullikin, | Todd, |
| Farrow, | Murray, | Valliant, |
| Galloway, | Negley, | Wickard, |
| Greene, | Noble, | Wooden—44. |
| Hebb, | Nyman, | |

NEGATIVE.

| | | |
|---------------------|--------------------|----------------|
| Messrs. | Clarke, | Marbury, |
| Goldsborough, P't | Crawford, | Mitchell, |
| Audoun, | Davis, of Charles, | Miller, |
| Belt, | Duvall, | Morgan, |
| Berry, of Balt. co. | Earle, | Parker, |
| Berry, of P. Geo. | Edelen, | Parran, |
| Billingsley, | Harwood, | Peter, |
| Blackiston, | Henkle, | Scott, |
| Bond, | Horsey, | Smith of Car. |
| Briscoe, | Johnson, | Smith, of Dor. |
| Brooks, | Jones, of Som. | Thomas, |
| Brown, | Lansdale, | Wilmer—37. |
| Chambers, | Lee, | |

So the question upon its adoption was decided in the affirmative.

Mr. Clarke, of Prince George's, appealed from the decision of the Chair, declaring the amendment of the Standing Rules offered by the gentleman from Baltimore city adopted by a vote of 44 in the affirmative and 37 in the negative, upon the ground that the Rules of Order having been adopted by a majority of the members elected to this Convention, they can only be changed by a vote of the majority of the members elected to the Convention, and upon the ground that according to parliamentary practice, where it takes a majority of the members elected to any deliberative body to adopt a rule, it requires the same number to change or repeal.

Mr. Daniel moved to lay the appeal on the table.

The question being on the adoption of the motion,

Mr. Clarke demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called and appeared as follows:

AFFIRMATIVE.

| | | |
|---------------------|------------------|--------------------|
| Messrs. | Galloway, | Nyman, |
| Goldsborough, P't | Greene, | Pugh, |
| Abbott, | Hebb, | Robinette, |
| Annan, | Hoffman, | Russell, |
| Audoun, | Hopkins, | Sands, |
| Baker, | Hopper, | Scott, |
| Berry, of Balt. co. | Jones, of Cecil, | Smith, of Carroll, |
| Brooks, | Keefer, | Sneary, |
| Carter, | Kennard, | Stirling, |
| Cunningham, | King, | Sykes, |
| Cushing, | Larsh, | Thomas, |
| Daniel, | Markey, | Thruston, |
| Davis, of Wash., | McComas, | Todd, |
| Dellinger, | Mullikin, | Valliant, |
| Earle, | Murray, | Wickard, |
| Ecker, | Negley, | Wooden—49. |
| Farrow, | Noble, | |

NEGATIVE.

| | | |
|------------------|--------------------|-----------------|
| Messrs. Barron, | Davis, of Charles, | Lee, |
| Berry, of P. G., | Duvall, | Marbury, |
| Billingsley, | Edelen, | Mitchell, |
| Blackiston, | Harwood, | Miller, |
| Bond, | Henkle, | Morgan, |
| Briscoe, | Hodson, | Parker, |
| Brown, | Horsey, | Parran, |
| Chambers, | Johnson, | Peter, |
| Clarke, | Jones, of Som. | Smith, of Dor., |
| Crawford, | Lansdale, | Wilmer—30. |

So the question upon its adoption was decided in the affirmative.

The question then recurring upon the second amendment submitted by Mr. Cushing,

Mr. Berry, of Prince George's; demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

| | | |
|--------------------|------------------|--------------------|
| Messrs. Abbott, | Hebb, | Pugh, |
| Annau, | Hopkins, | Purnell, |
| Baker, | Hopper, | Robinette, |
| Barron, | Jones, of Cecil, | Russell, |
| Berry, of P. Geo., | Keefer, | Sands, |
| Carter, | Kennard, | Scott, |
| Clarke, | King, | Smith, of Carroll, |
| Cunningham, | Larsh, | Sneary, |
| Cushing, | Markey, | Stirling, |
| Daniel, | McComas, | Sykes, |
| Davis, of Wash., | Miller, | Thruston, |
| Dellinger, | Mullikin, | Todd, |
| Ecker, | Murray, | Valliant, |
| Farrow, | Negley, | Wickard, |
| Galloway, | Noble, | Wooden—47. |
| Greene, | Nyman, | |

NEGATIVE.

| | | |
|---------------------|--------------------|-----------------|
| Messrs. | Crawford, | Lansdale, |
| Goldsborough, P't | Davis, of Charles, | Lee, |
| Audoun, | Duvall, | Marbury, |
| Belt, | Earle, | Mitchell, |
| Berry, of Balt. Co. | Edelen, | Morgan, |
| Billingsley, | Harwood, | Parker, |
| Blackiston, | Henkle, | Parran, |
| Bond, | Hodson, | Peter, |
| Briscoe, | Horsey, | Smith, of Dor., |
| Brooks, | Johnson, | Thomas, |
| Brown, | Jones, of Som., | Wilmer—33. |
| Chambers, | | |

So the question upon its adoption was decided in the affirmative.

Mr. Sands moved to re-consider the vote last taken.

Mr. Stirling called the previous question;

On the question being put, "shall the main question be now put?"

It was decided in the affirmative.

The question recurring upon the adoption of the motion to re-consider,

It was decided in the negative.

Mr. Todd, from the Committee on Future Amendments to the Constitution, submitted the following report:

AMENDMENTS OF THE CONSTITUTION.

SECTION 1. Either branch of the General Assembly may propose amendments to this Constitution; and if the same shall be agreed to by three-fifths of the members elected to each house, such proposed amendments shall be entered on the Journals, with the yeas and nays taken thereon, and shall be published in two newspapers in each county in the State where two are published, and in three newspapers in the city of Baltimore, one of which shall be German, for three months preceding the next election for Senators and Representatives, at which time the same shall be submitted to the electors for their approval or rejection; and if a majority of the electors voting at such election, shall adopt such amendments, the same shall become a part of the Constitution.

When more than one amendment shall be submitted at the same time, they shall be so submitted as to enable the electors to vote on each amendment separately.

Sec. 2. Whenever two-thirds of the members elected to each branch of the General Assembly, shall think it necessary to call a Convention to revise, amend or change this Constitution, they shall recommend to the electors to vote, at the next election for members of the General Assembly, for or against a Convention; and if a majority of all the electors voting at said election, shall have voted for a Convention, the General Assembly shall, at their next session, provide by law for calling the same.

The Convention shall consist of as many members as both houses of the General Assembly, who shall be chosen in the same manner, and shall meet within three months after their election, for the purpose aforesaid.

Sec. 3. At the general election to be held in the year one thousand eight hundred and eighty-two, and in each twentieth year thereafter, the question "shall there be a Convention to revise, alter or amend the Constitution?" shall be submitted to the electors of the State; and in case a majority of all the electors voting at such election, shall decide in favor of a Convention, the General Assembly, at its next session, shall provide by law, for the election of delegates, and the assembling of such Convention; as is provided in the preceding section; but no amendment of this Constitution, agreed upon by any Convention, assembled in pursuance of this Article, shall take effect, until the same shall have been submitted to the

electors of the State, and adopted by a majority of those voting thereon.

Respectfully submitted,

R. W. TODD,
W. H. MACE,
T. S. NOBLE,
ANDREW ANNAN,
GEO. M. MCCOMAS,
ALWARD JOHNSON,
JOHN LEE.

Which was read the first time.

Mr. Abbott, from the Committee on the Basis of Representation, submitted the following

REPORT:

The Committee on the "Basis of Representation in the two Houses of the General Assembly, and a proper apportionment of representation in the same," beg leave respectfully to report the following sections, to be inserted in Article three of the Constitution, entitled, "Legislative Department:."

SECTION 1. Immediately after the adoption of this Constitution, and before there shall have been held any general election under it, the Mayor and City Council of the city of Baltimore shall proceed to lay off and divide the said city into three several districts, of equal population and contiguous territory, as near as may be.

Sec. 2. Every county in the State, and each district of the city of Baltimore, as hereinbefore provided for, shall be entitled to one Senator, who shall be elected by the qualified voters of the counties and city of Baltimore respectively, and who shall serve for ——— years from the date of their election.

Sec. 3. The white population of the State shall constitute the basis of representation in the House of Delegates, and the apportionment of the Delegates among the several counties and districts of the city of Baltimore shall be as follows: For every five thousand persons, or a fractional part thereof above one-half, one Delegate shall be chosen until the number of Delegates in each county and district of the city of Baltimore shall reach five. Above that number, one Delegate shall be chosen for every fifteen thousand persons, or a fractional portion over one-half thereof, until the whole number of Delegates from each county and district of the city of Baltimore shall reach ten. Above that number, each county and dis-

trict of the said city shall elect one Delegate for every forty-five thousand persons, or fractional portion thereof above one-half. Upon this principle, and until the next Federal census, or State enumeration of inhabitants, the House of Delegates shall consist of eighty-two members, distributed as follows:

Allegany, five members; Anne Arundel, two; each of the three districts in Baltimore city, seven; Baltimore county, six; Calvert, one; Caroline, two; Carroll, five; Cecil, four; Charles, one; Dorchester, two; Frederick, six; Harford, four; Howard, two; Kent, one; Montgomery, two; Prince George's, two; Queen Ann's, two; Saint Mary's, one; Somerset, three; Talbot, two; Washington, five; Worcester, three.

E. A. ABBOTT,
SAML. T. HATCH,
PETER NEGLEY,
JOS. B. PUGH,
J. D. CARTER,
A. C. GREENE.

Which was read the first time.

Also submitted the following

REPORT:

The Committee on the Basis of Representation, &c., &c., to which was referred the proposition of Mr. Clarke, of Prince George's, on the 9th instant, respecting the passage, by the Legislature, of a Registry Law for the whole State, respectfully report favorably upon that proposition, and ask the Convention to refer the same to an appropriate committee, with instructions to report a suitable provision to be incorporated into the body of the Constitution.

E. A. ABBOTT,
SAML. T. HATCH,
PETER NEGLEY,
JOS. B. PUGH,
J. D. CARTER,
A. C. GREENE,
SAM'L H. BERRY,
R. H. EDELEN,
WASHINGTON A. SMITH.

Which was read.

Mr. Berry, of Prince George's, from a minority of the Committee on the Basis of Representation, submitted the following report:

MINORITY REPORT.

The undersigned a minority of the Committee on the Basis of Representation in the two Houses of the General Assembly and a proper apportionment of representation in the same, beg leave respectfully to report the following sections to be inserted in Article 3, of the Constitution entitled, Legislative Department :

Section 1. Every county of the State and the City of Baltimore, shall be entitled to elect one Senator, who shall be elected by the qualified voters of the counties and the City of Baltimore respectively, and who shall serve for four years from the day of their election.

Sec. 2. The Legislature at its first session after the returns of each National Census are published under the authority of Congress, shall apportion the members of the House of Delegates among the several counties of the State according to the population of each, and shall always allow to the City of Baltimore four more delegates than are allowed to the most populous county; but no county shall be entitled to less than two members, nor shall the whole number of delegates ever exceed——.

Sec. 3. The Mayor and City Council of Baltimore shall before the next general election of Delegates after the adoption of this Constitution, proceed to lay off and divide the said city into twelve electoral districts of equal proportions as to population and of contiguous territory as near as may be, and shall after the returns of each National Census are hereafter published under the authority of Congress, and after the apportionment by the Legislature, lay off and divide the City of Baltimore into as many electoral districts as the said city may by said apportionment be entitled to delegates: and each district shall be entitled to elect one delegate.

Sec. 4. The apportionment of the delegates among the several counties and the several electoral districts of the City of Baltimore, shall be as follows until after the returns of the next National Census are published under the authority of Congress, and the apportionment by the Legislature as aforesaid, viz: each district of the City of Baltimore shall be entitled to one delegate for every seventeen thousand inhabitants, or fractional part thereof over and above one-half, and the several counties of the State shall be entitled to one delegate for every seven thousand inhabitants, or fractional part thereof over and above one-half, and upon this principle and giving to each county not less than two delegates; Allegany county shall be entitled to four delegates, Anne Arundel three, each

of the electoral districts of the City of Baltimore one, Baltimore county eight, Calvert county two, Caroline two, Carroll four, Cecil three, Charles two, Dorchester three, Frederick seven, Harford three, Howard two, Kent two, Montgomery three, Prince George's three, Queen Ann's two, St. Mary's two, Somerset four, Talbot two, Washington four, and Worcester three.

SAML. H. BERRY,
R. H. EDELEN,
WASHINGTON A. SMITH.

Which was read.

The Order of the Day, being the report of the majority of the Committee on the Bill of Rights,

Was taken up.

Mr. Stirling moved to reconsider the vote by which the amendment offered by himself on yesterday was adopted,

Decided in the affirmative.

Mr. Stirling asked leave to withdraw the said amendment submitted by him and adopted yesterday,

Which was agreed to.

Mr. Galloway submitted the following amendment, to the amendment of Mr. Scott:

Strike out all after the word "that" in the first line, and insert the following: "the levying of taxes by the poll is grievous and oppressive, and ought to be prohibited; that paupers ought not to be assessed for the support of the Government, but every other person in the State, or person holding property therein, ought to contribute his proportion of public taxes for the support of the Government, according to his actual worth in real or personal property; yet fines, duties or taxes may properly and justly be imposed or laid with a political view, for the good government and benefit of the community."

The question being on the adoption of the amendment to the amendment,

Mr. Galloway demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called and appeared as follows:

AFFIRMATIVE.

| | | |
|------------------|-----------|--------------------|
| Messrs. Abbott, | Galloway, | Negley, |
| Annan, | Harwood, | Nyman, |
| Audoun, | Hoffman, | Parran, |
| Baker, | Hopkins, | Purnell, |
| Barron, | Keefer, | Russell, |
| Billingsley, | Kennard, | Sands, |
| Blackiston, | King, | Schley, |
| Brooks, | Larsh, | Smith, of Carroll, |
| Chambers, | Marbury, | Stirling, |
| Cunningham, | Markey, | Sykes, |
| Davis, of Wash., | McComas, | Thomas, |
| Dellinger, | Mitchell, | Todd, |
| Ecker, | Morgan, | Valliant, |
| Edelen, | Murray, | Wooden—43. |
| Farrow, | | |

NEGATIVE.

| | | |
|---------------------|------------------|-----------------|
| Messrs. | Duval, | Miller, |
| Goldsborough, Pt. | Earle, | Mullikin, |
| Belt, | Greene, | Noble, |
| Berry of Balt. co., | Hebb, | Parker, |
| Berry, of P. G., | Henkle, | Pugh, |
| Bond, | Hodson, | Robinette, |
| Briscoe, | Hopper, | Scott, |
| Brown, | Horsey, | Smith, of Dor., |
| Carter, | Johnson, | Sneary, |
| Clarke, | Jones, of Cecil, | Thruston, |
| Crawford, | Jones, of Som., | Wickard, |
| Daniel, | Lansdale, | Wilmer—37. |
| Davis, of Charles, | Lee, | |

So the question upon its adoption was decided in the affirmative.

Mr. Duval moved that the House do now adjourn;

Decided in the negative.

Mr. Hebb submitted the following amendment to the amendment last adopted:

After the word poll in the first line insert the words, "as a qualification for the exercise of the right of suffrage."

Decided in the negative.

The question then recurring upon the adoption of the amendment submitted by Mr. Scott, as amended by Mr. Galloway.

It was decided in the negative.

On motion of Mr. Berry, of Baltimore county,

The vote last taken was reconsidered.

The question again recurring upon the adoption of the amendment of Mr. Scott, as amended by Mr. Galloway.

Mr. Sands demanded the yeas and nays:

The demand being sustained, the yeas and nays were called and appeared as follows:

AFFIRMATIVE.

| | | |
|---------------------|-----------|--------------------|
| Messrs. Abbott, | Ecker, | Murray, |
| Annan, | Edelin, | Negley, |
| Audoun, | Farrow, | Nyman, |
| Baker, | Galloway, | Parran, |
| Barron, | Harwood, | Purnell, |
| Berry, of Balt. co. | Hoffman, | Russell, |
| Berry, of P. Geo. | Hopkins, | Sands, |
| Billingsley, | Horsey, | Schley, |
| Blackiston, | Keefer, | Smith, of Carroll, |
| Briscoe, | Kennard, | Stirling, |
| Brooks, | King, | Sykes, |
| Brown, | Larsh, | Thomas, |
| Chambers, | Marbury, | Thruston, |
| Crawford, | Markey, | Todd, |
| Cunningham, | McComas, | Wilmer, |
| Dellinger, | Mitchell, | Wooden—50. |
| Duvall, | Morgan, | |

NEGATIVE.

| | | |
|--------------------|------------------|-----------------|
| Messrs. | Greene, | Miller, |
| Goldsborough, Pt. | Hebb, | Mullikin, |
| Belt, | Henkle, | Parker, |
| Bond, | Hodson, | Pugh, |
| Carter, | Hopper, | Robinette, |
| Clarke, | Johnson, | Scott, |
| Daniel, | Jones, of Cecil, | Smith, of Dor., |
| Davis, of Charles, | Jones, of Som., | Sneary, |
| Davis, of Wash., | Lansdale, | Valliant, |
| Earle, | Lee, | Wickard—29. |

So the question on its adoption was decided in the affirmative.

Mr. Barron moved that the Convention adjourn until Tuesday next at 11 o'clock.

Mr. Daniel moved to adjourn until Monday next, at 11 o'clock.

The question being on the adoption of the motion of Mr. Barron,

It was decided in the negative.

The question recurring upon the motion of Mr. Daniel,

It was decided in the affirmative.

The Convention then adjourned.

MONDAY, May 30th, 1864.

The Convention met.

Prayer by the Rev. Mr. McNemar.

Present at the call of the roll the following members:

Messrs. Goldsborough, President, Abbott, Annan, Barron, Billingsley, Bond, Brown, Carter, Chambers, Crawford, Cushing, Dail, Davis, of Charles, Davis, of Washington, Dellinger, Earle, Ecker, Edelen, Farrow, Galloway, Harwood, Hatch, Hebb, Hollyday, Hopkins, Johnson, Jones, of Somerset, King, Lee, Mace, McComas, Mitchell, Miller, Mullikin, Murray, Noble, Nyman, Parker, Purnell, RobINETTE, Sands, Scott, Smith, of Dorchester, Sneary, Stirling, Stockbridge, Todd, Turner, Valliant, Wickard—50.

The proceedings of Friday were read.

On motion of Mr. Purnell,

It was ordered to be entered on the Journal that Thomas B. Smith, of Worcester, is absent from his seat in the Convention in consequence of the serious illness of a member of his family.

Mr. Mullikin submitted the following order:

Ordered, That the Committee on the Elective Franchise, be requested to inquire into the expediency of inserting the following Article in substance, into the Constitution:

That any person who has voluntarily left this State, and have gone into any one of the States now in rebellion against

the Government of the United States, shall not be permitted to vote at any election or hold any office or place of emolument or trust within the gift of the people of Maryland, for the space of three score years and ten.

And any one who now resides in this State, and is or has been aiding in the present rebellion against the Government of the United States, by word or act, shall not be permitted to vote at any election or hold any office of emolument or trust, within the gift of the people of Maryland, for the space of five years, after this rebellion shall have been crushed out.

Which was adopted.

Mr. King submitted the following order :

Ordered, That the Comptroller of the Treasury be requested to report to this Convention a statement of all the expenses of the State Library other than Books and Stationery, from first January 1863, to 31st May 1864, inclusive.

Which was rejected.

Mr. Galloway, from the Committee on Accounts, submitted the following

REPORT:

To the Honorable the President of the Convention.

The Committee on Accounts in obedience to the orders of this Convention, respectfully report, that they have examined the claims of Thomas J. Corkran, William R. Hammond and Henry Tritch, and after a careful examination of said accounts, the Committee feel obliged to report, that in the judgment of this Committee the above named parties are not entitled to compensation. The Committee therefore have rejected said claim.

Respectfully submitted,

WM. GALLOWAY, Chr.

H. BAKER,

THOMAS RUSSELL,

E. S. PARKER,

W. S. WOODEN.

Which was concurred in.

The Order of the Day, being the report of a majority of the Committee on the Bill of Rights.

Was taken up.

Mr. Stockbridge submitted the following amendment:

Art. 15.—Strike out all after State in line 2, and add:

“And excessive bail ought not to be required, nor excessive fines imposed, and no cruel, unusual or excessive pains, penalties or punishments, in any case inflicted.”

The question upon its adoption was decided in the negative.

Mr. Miller submitted the following amendment:

Article 18, first line, before the word “man” insert the word “free,”

The question being on the adoption of the amendment,

Mr. Miller demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|----------------------|--------------------|-----------------|
| Messrs. Billingsley, | Davis, of Charles, | Lee, |
| Bond, | Edelen, | Mitchell, |
| Brown, | Harwood, | Miller, |
| Chambers, | Hollyday, | Parran, |
| Clarke, | Johnson, | Smith, of Dor., |
| Crawford, | Jones, of Som., | Turner—20. |
| Dail, | King, | |

NEGATIVE.

| | | |
|-------------------|-----------|--------------|
| Messrs. | Farrow, | Purnell, |
| Goldsborough, P't | Galloway, | Robinette, |
| Abbott, | Hatch, | Sands, |
| Annan, | Hebb, | Schlosser, |
| Baker, | Hopkins, | Scott, |
| Barron, | Keefer, | Sneary, |
| Carter, | Mace, | Stirling, |
| Cunningham, | McComas, | Stockbridge, |
| Cushing, | Mullikin, | Sykes, |
| Davis, of Wash., | Murray, | Todd, |
| Dellinger, | Noble, | Valliant, |
| Earle, | Nyman, | Wickard—37. |
| Ecker, | Parker, | |

So the question upon its adoption was decided in the negative.

Mr. Clarke, submitted the following amendment :

Article 18, amend by adding the following: “and no free man shall be held to answer for any charge or crime before a

court martial or military tribunal except in cases arising in the land or naval forces of the United States, or in the militia when in actual service, in time of war or public danger,"

The question being on the adoption of the amendment,

Mr. Clarke demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

| | | |
|----------------------|--------------------|-----------------|
| Messrs. Billingsley, | Dail, | Jones, of Som., |
| Bond, | Davis, of Charles, | Lee, |
| Brown, | Edelen, | Mitchell, |
| Chambers, | Harwood, | Miller, |
| Clarke, | Hollyday, | Smith of D.—17. |
| Crawford, | Johnson, | |

NEGATIVE.

| | | |
|-------------------|-----------|--------------|
| Messrs. | Galloway, | Purnell, |
| Goldsborough, P't | Hatch, | Robinette, |
| Abbott, | Hebb, | Sands, |
| Annan, | Hopkins, | Schlosser, |
| Baker, | Keefer, | Scott, |
| Barron, | King, | Sneary, |
| Carter, | Mace, | Stirling, |
| Cunningham, | McComas, | Stockbridge, |
| Cushing, | Mullikin, | Sykes, |
| Davis, of Wash., | Murray, | Todd, |
| Earle, | Noble, | Valliant, |
| Ecker, | Nyman, | Wickard—37. |
| Farrow, | Parker, | |

So the question upon its adoption was decided in the negative.

Mr. Jones, of Somerset, submitted the following amendment:

Article 22, first line, after the word "no" insert the word "free."

Decided in the negative.

Mr. Clarke submitted the following amendment:

Article 22, amend by adding—"provided that nothing in this Article shall be so construed as to prevent the Legislature from passing all such laws for the government, regulation and disposition of the free colored population of this State as they may deem necessary."

The question being upon the adoption of the amendment,
Mr. Clarke demanded the yeas and nays;

The demand being sustained,

The yeas and nays were called and appeared as follows:

AFFIRMATIVE.

| | | |
|----------------------|--------------------|----------------|
| Messrs. Billingsley, | Davis, of Charles, | Mace, |
| Bond, | Edelen, | Mitchell, |
| Brown, | Harwood, | Miller, |
| Chambers, | Hollyday, | Parran, |
| Clarke, | Johnson, | Smith, of Dor. |
| Crawford, | Jones, of Som. | Turner—20. |
| Dail, | Lee, | |

NEGATIVE.

| | | |
|-------------------|-----------|--------------|
| Messrs. | Farrow, | Purnell, |
| Goldsborough, P't | Galloway, | Robinette, |
| Abbott, | Hatch, | Sands, |
| Annan, | Hebb, | Schlosser, |
| Baker, | Hopkins, | Scott, |
| Barron, | Keefer, | Sneary, |
| Carter, | King, | Stirling, |
| Cunningham, | McComas, | Stockbridge, |
| Cushing, | Mullikin, | Sykes, |
| Davis, of Wash., | Murray, | Todd, |
| Dellinger, | Noble, | Valliant, |
| Earle, | Nyman, | Wickard—37. |
| Ecker, | Parker, | |

So the question upon its adoption was decided in the negative.

Mr. Chambers submitted the following amendment :

Article 22, first line, strike out the word “man” and insert the word “citizen.”

The question being upon the adoption of the amendment,
Mr. Billingsley demanded the yeas and nays;

The demand being sustained,

The yeas and nays were called and appeared as follows:

AFFIRMATIVE.

| | | |
|----------------------|--------------------|-----------|
| Messrs. Billingsley, | Davis, of Charles, | Lee, |
| Bond, | Edelen, | Mitchell, |
| Brown, | Harwood, | Miller, |
| Chambers, | Hollyday, | Parran, |

Clarke,
Crawford,
Dail,

Horsey,
Johnson,
Jones, of Som.

Smith, of Dor.,
Turner—20.

NEGATIVE.

Messrs.
Goldsborough, P't
Abbott,
Annan,
Baker,
Barron,
Carter,
Cunningham,
Cushing,
Davis, of Wash.,
Dellinger,
Earle,
Ecker,

Farrow,
Galloway,
Hatch,
Hebb,
Hopkins,
Keefer,
King,
Mace,
McComas,
Mullikin,
Murray,
Noble,
Nyman,

Parker,
Purnell,
Robinette,
Sands,
Schlosser,
Scott,
Sneary,
Stirling,
Stockbridge,
Sykes,
Todd,
Valliant,
Wickard—38.

So the question upon its adoption was decided in the negative.

On motion of Mr. Stirling,

The 23d Article was informally passed over.

Mr. Stirling submitted the following amendment:

Article 26, strike out all after the word "that," in the first line, and insert: "No conviction shall work corruption of blood, nor shall there be any forfeiture of the estate of any person for any crime except treason, and then only on conviction."

Mr. Clarke submitted the following amendment to the amendment:

Add the words "which forfeiture of estate shall only continue during the life of the person convicted."

The Convention adjourned.

TUESDAY, May 31st, 1864.

The Convention met.

Prayer by the Rev. Mr. Patterson.

Present at the call of the roll the following members:

Messrs. Goldsborough, President, Abbott, Annan, Baker, Belt, Berry, of Baltimore county, Billingsley, Blackiston, Bond, Briscoe, Carter, Chambers, Clarke, Crawford, Cunningham, Cushing, Daniel, Davis, of Charles, Davis, of Washington, Dellinger, Dennis, Duvall, Earle, Ecker, Edelen, Farrow, Galloway, Greene, Harwood, Hebb, Henkle, Hollyday, Hopkins, Horsey, Johnson, Jones, of Cecil, Jones, of Somerset, Keefer, Kennard, King, Larsh, Lee, Marbury, Markey, McComas, Mitchell, Morgan, Mullikin, Murray, Negley, Noble, Nyman, Parker, Parran, Pugh, Purnell, Ridgely, Robinette, Russell, Sands, Schlosser, Scott, Smith, of Dorchester, Sneary, Stirling, Stockbridge, Swope, Sykes, Thomas, Thruston, Todd, Turner, Valliant, Wickard, Wilmer, Wooden—74.

The proceedings of yesterday were read.

Mr. Scott submitted the following order:

Ordered, That hereafter the Convention hold afternoon sessions daily, commencing at half past three P. M.

The question being on the adoption of the order,

Mr. Barron moved to lay it on the table, and demanded the yeas and nays;

The demand being sustained,

The yeas and nays were called and appeared as follows:

AFFIRMATIVE.

| | | |
|---------------------|----------------|-----------------|
| Messrs. Barron, | Duvall, | Markey, |
| Belt, | Earle, | Mitchell, |
| Berry, of Balt. co. | Edelen, | Morgan, |
| Billingsley, | Harwood, | Nyman, |
| Blackiston, | Henkle, | Parran, |
| Bond, | Hollyday, | Ridgely, |
| Briscoe, | Horsey, | Schlosser, |
| Chambers, | Johnson, | Smith, of Dor., |
| Clarke, | Jones, of Som. | Sneary, |
| Crawford, | King, | Thomas, |
| Cunningham, | Larsh, | Turner, |
| Davis, of Charles, | Lee, | Valliant, |

Davis, of Wash.,
Dennis,

Mace,
Marbury,

Wickard,
Wilmer—42.

NEGATIVE.

Messrs.
Goldsborough, Pt.
Abbott,
Annan,
Baker,
Carter,
Cushing,
Dellinger,
Ecker,
Farrow,
Galloway,
Greene,

Hebb,
Hopkins,
Jones, of Cecil,
Keefer,
Kennard,
McComas,
Mullikin,
Murray,
Negley,
Noble,
Parker,
Pugh,

Purnell,
Robinette,
Russell,
Sands,
Scott,
Stirling,
Stockbridge,
Swope,
Sykes,
Thruston,
Todd,
Wooden—35.

So the question upon its adoption was decided in the affirmative, and the order laid upon the table.

On motion of Mr. Ridgely, it was ordered to be entered upon the Journal, that the continued absence of Mr. Berry, of Baltimore county, has been occasioned by his necessary presence at Baltimore as Adjutant General of the State, in the business of organizing the troops, now being enlisted under the late proclamation of the Governor.

Mr. Greene submitted the following order :

Ordered. That the Committee on the "Legislative Department" be instructed to inquire into the expediency of incorporating into the Constitution, a provision enabling the Legislature to accept the accession to this State of any territory contiguous thereto, of the States of West Virginia, Virginia, and the District of Columbia, with the consent of the Legislatures of the said States, and of the Congress of the United States;

Which was adopted.

Mr. Sykes submitted the following order:

Ordered, That the Convention hold two sessions each day, the morning session to meet at eleven o'clock, and adjourn at two P. M., the afternoon session to meet at four o'clock and adjourn at seven P. M.

Which was rejected.

On motion of Mr. Duvall,

It was ordered to be entered on the Journal that Mr. Peter,

of Montgomery, is detained from his seat in the Convention by indisposition.

Mr. Clarke submitted the following resolution:

Resolved, That a select Committee to consist of nine members, of which Committee the President of the Convention shall be Chairman, be appointed by the Chair, whose duty it shall be to confer with the President of the United States, our Senators and Representatives in Congress, and the appropriate Committees of Congress, to ascertain and report to this Convention, what appropriation if any, will be made by Congress, in pursuance of the recommendations contained in the messages of the President of the United States, of December 1862, and December 1863, and the joint Resolutions of Congress No. 26, approved April 10th, 1862, to aid the State of Maryland in the adoption of a system of Emancipation, and "to be and by said State in its discretion to compensate for the inconveniences, public and private, produced by such change of system."

Which was read the first time.

Mr. Goldsborough, (Mr. Purnell in the Chair,) submitted the following orders which were adopted:

COURT OF APPEALS.

Ordered, That the Committee on the Judiciary, be instructed to inquire into the expediency of reporting for the action of this Convention an elective system for the Judges of the Court of Appeals, based on the following suggestions:

1st. That the said Court consist of five Judges, two of whom shall be chosen from the Eastern Shore, and three from the Western Shore counties of the State.

2d. That one of said Judges be selected from the Eastern Shore, and one from the Western Shore counties of the State, who shall be elected by a majority of the legal votes cast in the whole State.

3d. That the other three Judges of said Court, be chosen, one from each of the present Gubernatorial Districts of the State, who shall be elected by the legal voters of said respective districts, from other counties in said district than those from which the two Judges elected by the people of the whole State may have been selected.

4th. That each of said Judges be elected for the period of twenty years, be required to reside at least eight months of the year at the seat of Government, be not less than thirty

years of age at the time of his election and disqualified after he shall have attained the age of seventy years.

5th. That the salary of each of said Judges shall not be less than the sum of three thousand five hundred dollars.

6th. In the event of their death, disqualification, or removal from office, or from the State, the remainder of their term so vacated, shall be filled by an appointment by a joint vote of the General Assembly of Maryland, if in session, and in case of their failure so to do, or their not being in session, the appointment shall then devolve upon the Executive, who shall fill the same for the unexpired period of their election, subject to a ratification by the Senate.

CIRCUIT COURTS.

Ordered, That the Committee on the Judiciary be instructed to inquire into the expediency of creating certain Judicial Districts within which Circuit Courts and Courts of Equity, Probate and Administration shall be held, the respective systems to be defined by the following principles :

1st. That the Circuit Court shall embrace the same civil and criminal business over which the present Circuit Courts have jurisdiction.

2d. That the Courts of Equity, Probate and Administration shall include within the sphere of their duties, all the Equity business now transacted in the Circuit Courts, connected with the sale, division or other disposition of real estate, injunctions, petitions and commissions. The Judges of each of said Courts shall also act in all such matters as are now within the province of the Orphans' Courts of the State where parties litigant may desire a determination and decision by him as sole presiding Judge in all which cases the Register shall keep a docket, and the decision of said Judge shall be made in writing, and filed among the records of said Court, from which an appeal may be taken within sixty days, to the Court of Appeals.

3d. That there shall be one Judge of the Circuit Court and one Judge of the Court of Equity, Probate and Administration, elected in each Judicial District as hereinafter designated, and that each of said Judges, shall be men of integrity, learned in the law, and not less than thirty years of age at the time of their election.

4th. That each of said Judicial Districts shall be composed of three counties except the 4th, 5th and 6th Districts, which shall be composed of two counties and there shall be two Judges for each of said Judicial Districts to be selected from

different counties in said District, the one to be styled the Circuit Judge, the other the Judge of Equity, Probate and Administration, the latter of whom shall also be the sole Judge in all contested matters of Probate and Administration and other business now usually transacted by the Orphans' Court of this State, when ever desired by any of the parties litigant, or parties interested in any issue or issues then pending before said Court. In cases of any temporary disqualification by sickness or otherwise, each of said Judges shall perform the duties of the other so disqualified.

5th. That with the said Presiding Judge of Equity, Probate and Administration, there shall be associated two men of sound judgment and integrity, not less than thirty years of age nor over seventy years of age, from each of the counties composing the respective Judicial Districts, who shall be elected every ten years by the voters of each county, who shall act as an Orphans' Court in all matters within the sphere of the duties of the Orphans' Court, as now defined by law, who shall be styled Judges of Probate and Administration, and whose jurisdiction shall not extend to any other matters over which the Presiding Judge of Equity, Probate and Administration may have jurisdiction, as defined under the present system.

6th. That the Judges of the Circuit Courts and Courts of Equity, Probate and Administration, shall be elected for the period of twenty years, be ineligible after their said term of service for the same positions, and incapable of acting after they have arrived at the age of seventy years.

In case of death, disqualification or removal from the State, or from their office, the remainder of their term so vacated shall be filled by an appointment by a joint vote of the General Assembly of Maryland, if in session, or by the Executive (if the Legislature be not in session, or should fail to elect,) subject to a ratification by the Senate.

7th. That with a view to a fair division of the counties of the State into Judicial Districts, the following enumeration is suggested:

First Judicial District—Worcester, Somerset and Dorchester counties.

Second Judicial District—Talbot, Caroline and Queen Anne counties.

Third Judicial District—Kent, Cecil and Harford counties.

Fourth Judicial District—Baltimore and Carroll counties.

Fifth Judicial District—Frederick and Montgomery counties.

Sixth Judicial District—Washington and Allegany counties.

Seventh Judicial District—Howard, Anne Arundel and Prince George's county.

Eighth Judicial District—Charles, Calvert and St. Mary's counties.

Ninth and Tenth Judicial Districts—That the city of Baltimore shall be divided into two Judicial Districts, in which the following courts shall be created:

The First District shall embrace the first ten wards—the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, 9th and 10th.

The Second District shall embrace the remaining ten wards—the 11th, 12th, 13th, 14th, 15th, 16th, 17th, 18th, 19th and 20th.

Each of said districts shall contain one Circuit Court, the Judge of which shall be elected for twenty years by the qualified voters of the wards composing each of said districts. Each of them shall also contain a Court of Equity, Probate and Administration, in which there shall be a Chief Presiding Judge, learned in the law, who shall be elected for twenty years, with two associates, to be styled Judges of Probate and Administration, who shall be men of sound judgment and integrity, over thirty years of age, and elected every ten years by the qualified voters of their respective wards of each of said Judicial Districts.

There shall also be a Superior Court, whose jurisdiction shall embrace the whole city, and all civil cases wherein the matter in controversy shall exceed the sum of fifteen hundred dollars, and where the damages claimed shall exceed the like sum of fifteen hundred dollars, whose Judge shall be elected for twenty years.

There shall also be a Criminal Court, whose jurisdiction shall extend over the whole city, and whose Judge shall be elected for twenty years.

The said Judges of the Circuit Courts, Courts of Equity, Probate and Administration, Superior Court and Criminal Court, shall be ineligible for the same positions, be over thirty years of age, and their seats declared vacant upon their arrival at seventy years of age.

In case of death, disqualification or removal, the remain-

der of their term shall be filled by a joint vote of the General Assembly, if in session; and in case of failure so to do, by the Executive of the State, subject to the ratification of the Senate.

8th. That the salaries of each of said Judges of the Circuit Courts, Courts of Probate, Equity and Administration, for the several counties, and also of the several Courts of the city of Baltimore, shall not be less than three thousand dollars; and the Judges of Probate and Administration in the several counties of the State and of the two districts in the city of Baltimore shall be allowed ——— dollars per day for each day they may be in attendance.

The Order of the Day, being the Report of the majority of the Committee on the Bill of Rights,

Was taken up.

The question being on the adoption of the amendment of Mr. Clarke to the amendment submitted by Mr. Stirling to the 26th Article of the Report.

Mr. Barron called the previous question;

On the question being put,

“Shall the main question be now put?”

It was decided in the affirmative, yeas and nays as follows:

AFFIRMATIVE.

| | | |
|-------------------|------------------|--------------|
| Messrs. | Hebb, | Robinette, |
| Goldsborough, Pt. | Hopkins, | Russell, |
| Abbott, | Jones, of Cecil, | Sands, |
| Annan, | Keefer, | Schlosser, |
| Baker, | Kennard, | Sneary, |
| Barron, | Larsh, | Stirling, |
| Carter, | Mace, | Stockbridge, |
| Cunningham, | Markey, | Swope, |
| Cushing, | McComas, | Sykes, |
| Davis, of Wash., | Mullikin, | Thomas, |
| Dellinger, | Murray, | Thruston, |
| Ecker, | Negley, | Todd, |
| Farrow, | Noble, | Wickard, |
| Galloway, | Nyman, | Wooden—43. |
| Greene, | Ridgely, | |

NEGATIVE.

| | | |
|----------------------|---------|-----------|
| Messrs. | Dennis, | Mitchell, |
| Berry, of Balt. co., | Duvall, | Miller, |
| Berry, of P. Geo., | Earle, | Morgan, |

| | | |
|--------------------|-----------------|-----------------|
| Billingsley, | Edelen, | Parker, |
| Blackiston, | Harwood, | Parran, |
| Bond, | Henkle, | Pugh, |
| Briscoe, | Hollyday, | Purnell, |
| Chambers, | Horsey, | Scott, |
| Clarke, | Johnson, | Smith, of Dor., |
| Crawford, | Jones, of Som., | Turner, |
| Dail, | King, | Valliant, |
| Daniel, | Lee, | Wilmer—34. |
| Davis, of Charles, | Marbury, | |

The question recurring upon the adoption of the amendment to the amendment,

Mr. Clarke demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called and appeared as follows:

AFFIRMATIVE.

| | | |
|--------------------|-----------------|-----------------|
| Messrs. Belt, | Dennis, | Lee, |
| Berry, of P. Geo., | Duvall, | Marbury, |
| Billingsley, | Edelen, | Mitchell, |
| Blackiston, | Harwood, | Miller, |
| Bond, | Henkle, | Morgan, |
| Briscoe, | Hollyday, | Parran, |
| Chambers, | Horsey, | Smith, of Dor., |
| Clarke, | Johnson, | Turner, |
| Crawford, | Jones, of Som., | Wilmer—28. |
| Davis, of Charles, | | |

NEGATIVE.

| | | |
|---------------------|------------------|--------------|
| Messrs. | Hebb, | Ridgely, |
| Goldsborough, P't | Hopkins, | Robinette, |
| Abbott, | Jones, of Cecil, | Russell, |
| Annan, | Keefer, | Sands, |
| Baker, | Kennard, | Schlosser, |
| Barron, | King, | Scott, |
| Berry, of Balt. co. | Larsh, | Sneary, |
| Carter, | Mace, | Stirling, |
| Cunningham, | Markey, | Stockbridge, |
| Cushing, | McComas, | Swope, |
| Daniel, | Mullikin, | Sykes, |
| Davis, of Wash., | Murray, | Thomas, |
| Dellinger, | Negley, | Thruston, |
| Earle, | Nyman, | Todd, |
| Ecker, | Noble, | Valliant, |
| Farrow, | Parker, | Wickard, |
| Galloway, | Pugh, | Wooden—52. |
| Greene, | Purnell, | |

So the question upon its adoption was decided in the negative.

The question then recurring upon the adoption of the amendment submitted by Mr. Stirling,

Mr. Barron demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called and appeared as follows:

AFFIRMATIVE.

| | | |
|-------------------|------------------|--------------|
| Messrs. | Hebb, | Robinette, |
| Goldsborough, P't | Hopkins, | Russell, |
| Abbott, | Jones, of Cecil, | Sands, |
| Annan, | Keefer, | Schlosser, |
| Baker, | Kennard, | Scott, |
| Barron, | King, | Sneary, |
| Carter, | Larsh, | Stirling, |
| Cunningham, | Markey, | Stockbridge, |
| Cushing, | McComas, | Swope, |
| Daniel, | Mullikin, | Sykes, |
| Davis, of Wash. | Murray, | Thomas, |
| Dellinger, | Negley, | Thruston, |
| Earle, | Noble, | Todd, |
| Ecker, | Nyman, | Valliant, |
| Farrow, | Parker, | Wickard, |
| Galloway, | Pugh, | Wooden—49. |
| Greene, | Purnell, | |

NEGATIVE.

| | | |
|---------------------|----------------|----------------|
| Messrs. Belt, | Dennis, | Mace, |
| Berry, of Balt. co. | Duvall, | Marbury, |
| Berry, of P. Geo., | Edelen, | Mitchell, |
| Billingsley, | Harwood, | Miller, |
| Blackiston, | Henkle, | Morgan, |
| Bond, | Hollyday, | Parran, |
| Briscoe, | Horsey, | Ridgely, |
| Chambers, | Johnson, | Smith, of Dor. |
| Clarke, | Jones, of Som. | Turner, |
| Crawford, | Lee, | Wilmer—31. |
| Davis, of Charles, | | |

So the question upon its adoption was decided in the affirmative.

The question finally being on the adoption of the original Article (Article 26) as amended;

Mr. Berry, of Prince George's, demanded the yeas and nays.

The yeas and nays were called and appeared as follows:

AFFIRMATIVE.

| | | |
|---------------------|------------------|--------------|
| Messrs. | Hebb, | Ridgely, |
| Goldsborough, P't | Hopkins, | Robinette, |
| Abbott, | Jones, of Cecil, | Russell, |
| Annan, | Keefer, | Sands, |
| Baker, | Kennard, | Schlosser, |
| Barron, | King, | Scott, |
| Berry, of Balt. co. | Larsh, | Sneary, |
| Carter, | Markey, | Stirling, |
| Cunningham, | McComas, | Stockbridge, |
| Cushing, | Mullikin, | Swope, |
| Daniel, | Murray, | Sykes, |
| Davis, of Wash. | Negley, | Thomas, |
| Dellinger, | Noble, | Thruston, |
| Earle, | Nyman, | Todd, |
| Ecker, | Parker, | Valliant, |
| Farrow, | Pugh, | Wickard, |
| Galloway, | Purnell, | Wooden—51. |
| Greene, | | |

NEGATIVE.

| | | |
|--------------------|----------------|----------------|
| Messrs. Belt, | Dennis, | Mace, |
| Berry, of P. Geo. | Duvall, | Marbury, |
| Billingsley, | Edelen, | Mitchell, |
| Blackiston, | Harwood, | Miller, |
| Bond, | Henkle, | Morgan, |
| Briscoe, | Hollyday, | Parran, |
| Chambers, | Johnson, | Smith, of Dor. |
| Clarke, | Jones, of Som. | Turner, |
| Crawford, | Lee, | Wilmer—28. |
| Davis, of Charles, | | |

So the question upon its adoption was decided in the affirmative.

The Convention adjourned.

WEDNESDAY, June 1st, 1864.

The Convention met.

Prayer by the Rev. Mr. Owen.

Present at the call of the roll, the following members :

Messrs. Goldsborough, President, Abbott, Annan, Audoun, Baker, Barron, Belt, Berry, of Baltimore county, Berry, of Prince George's, Billingsley, Blackiston, Bond, Briscoe, Brown, Carter, Chambers, Clarke, Crawford, Cunningham, Cushing, Dail, Daniel, Davis, of Charles, Davis, of Washington, Dellinger, Dennis, Duvall, Earle, Ecker, Edelen, Farrow, Gale, Galloway, Greene, Harwood, Hatch, Hebb, Henkle, Hodson, Hoffman, Hollyday, Hopkins, Hopper, Horsey, Johnson, Jones, of Cecil, Jones, of Somerset, Keefer, Kennard, King, Lansdale, Larsh, Lee, Marbury, Markey, Mayhugh, McComas, Mitchell, Miller, Morgan, Mullikin, Murray, Negley, Noble, Nyman, Parker, Parran, Peter, Pugh, Purnell, Ridgely, Robinette, Russell, Sands, Schley, Schlosser, Scott, Smith, of Carroll, Smith, of Dorchester, Smith, of Worcester, Sneary, Stirling, Stockbridge, Swope, Sykes, Thomas, Thruston, Todd, Turner, Valliant, Wickerd, Wilmer, Wooden—91.

The proceedings of yesterday were read.

Mr. Hebb submitted the following order :

Ordered, That the Convention hereafter meet at ten o'clock, A. M., daily, until otherwise ordered.

The question being on the adoption of the order.

Mr. Berry, of Prince George's, demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|---------------------|------------------|--------------------|
| Messrs. | Greene, | Pugh, |
| Goldsborough, P't | Hatch, | Purnell, |
| Abbott, | Hebb, | Robinette, |
| Annan, | Hoffman, | Russell, |
| Audoun, | Hopkins, | Sands, |
| Baker, | Hopper, | Schley, |
| Barron, | Jones, of Cecil, | Schlosser, |
| Berry, of Balt. co. | Keefer, | Scott, |
| Blackiston, | Kennard, | Smith, of Carroll, |

| | | |
|------------------|-----------|-----------------|
| Brown, | Larsh, | Smith, of Wor., |
| Cunningham, | McComas, | Sueary, |
| Cushing, | Mullikin, | Stirling, |
| Davis, of Wash., | Murray, | Swope, |
| Dellinger, | Negley, | Sykes, |
| Earle, | Noble, | Todd, |
| Ecker, | Nyman, | Wickard, |
| Farrow, | Parker, | Wooden—50. |
| Galloway, | | |

NEGATIVE.

| | | |
|--------------------|-----------------|-----------------|
| Messrs. Belt, | Duvall, | Marbury, |
| Berry, of P. Geo., | Edelen, | Markey, |
| Billingsley, | Gale, | Mitchell, |
| Bond, | Harwood, | Miller, |
| Briscoe, | Henkle, | Morgan, |
| Carter, | Hodson, | Parran, |
| Chambers, | Hollyday, | Ridgely, |
| Clarke, | Horsey, | Smith, of Dor., |
| Crawford, | Johnson, | Stockbridge, |
| Dail, | Jones, of Som., | Thomas, |
| Daniel, | King, | Thruston, |
| Davis, of Charles, | Lansdale, | Turner, |
| Dennis, | Lee, | Valliant—39. |

So the question upon its adoption was decided in the affirmative.

Mr. Clarke submitted the following order:

Ordered, That the Treasurer be and he is hereby requested to furnish this Convention, at his earliest convenience, a statement showing the balance in the Treasury on the 1st of December, 1862, the balance in the Treasury on the 1st of December, 1863, and the balance in the Treasury on the 1st day of June, 1864.

2d. The amount of funded debt still unredeemed, the dates when they severally fall due, and the amounts due at the several dates.

3d. The amount standing due to the credit of the sinking fund on the 1st of June, 1864, with a specification of the manner in which the sinking fund is invested, and a reference to the laws authorizing the several investments.

4th. The amount of the sinking fund cancelled under the act of 1864, chapter —, with a specification of the evidences of indebtedness cancelled.

5th. The amount of funded debt still unredeemed on the 1st day of January, 1862.

6th. The amount of funded debt unredeemed on the 1st day of June, 1864.

7th. The amount of appropriations made by the last Legislature, with a specification of the amounts and objects of each appropriation.

8th. The amount of money paid out of the Treasury under the acts of 1864, chapter 15, and 1864, chapter 373.

9th. The amount of loans, under the acts of 1864, chapter 15, and 1864, chapter 373, which the Treasurer has advertised to be taken.

10th. The interest which the State has in the various works of internal improvements, railroads and canal companies, banks, &c., and the annual receipts derived from each to the State.

Which was adopted.

Mr. Thruston submitted the following order:

Ordered, That the Committees on the Judiciary and the Legislative Department have leave to sit during the sessions of the Convention until 11 o'clock A. M., daily.

Which was rejected.

The Order of the Day being the report of the majority of the Committee on the Bill of Rights,

Was taken up.

On motion of Mr. Stirling,

The Convention took up for consideration the fourth Article of the Report, which had been passed over informally,

Mr. Clarke submitted the following amendment:

Amend by striking out all after the word "that" in the 1st line, and inserting:—

"The Constitution of the United States and the laws made in pursuance thereof being the supreme law of the land, every citizen of this State owes allegiance to the Constitution and Government of the United States within the limits of the powers conferred by that Constitution, and is not bound by any law or ordinance of this State in contravention or subversive thereof, and the powers not delegated to the United States by the Constitution, nor prohibited by it to the States being reserved to the States respectively, or to the people, every citizen of this State owes allegiance to the State of Maryland so far as the sovereignty of the State has not been

affected by the Constitution of the United States and the laws made in pursuance thereof, and is not bound to yield obedience to laws made in direct violation of the Constitution of the United States and in the exercise of usurped powers."

Mr. Sands submitted the following amendment to the amendment:

After the word "thereof," in the 13th line, insert—

"Provided, that nothing in this Article contained shall be construed as giving to the State a right to secede from the Federal Union, or to form a confederation with any other State or States of the Union, or to seize by force of arms or otherwise any property of the United States situate and being within the limits of this State, but that these acts are hereby expressly forbidden."

Pending the consideration of which,

The Convention adjourned.

THURSDAY, June 2d, 1864.

The Convention met at 10 o'clock, A. M.

Prayer by the Rev. Mr. Davenport.

Present at the call of the roll the following members:

Messrs. Goldsborough, President, Abbott, Annan, Audoun, Baker, Barron, Belt, Berry, of Baltimore co., Berry, of Prince George's, Blackiston, Bond, Briscoe, Carter, Chambers, Clarke, Crawford, Cunningham, Cushing, Daniel, Davis, of Charles, Davis of Washington, Dennis, Duvall, Earle, Ecker, Edelen, Farrow, Gale, Galloway, Harwood, Hatch, Hebb, Henkle, Hodson, Hoffman, Hollyday, Hopkins, Hopper, Horsey, Jones, of Cecil, Jones, of Somerset, Keefer, Kennard, King, Lansdale, Larsh, Lee, Marbury, Markey, Mitchell, Miller, Morgan, Mullikin, Murray, Negley, Nyman, Parker, Parran, Pugh, Robinette, Russell, Sands, Schley, Schlosser, Scott, Smith, of Carroll, Smith, of Worcester, Sneary, Stirling, Stockbridge, Swope, Sykes, Thomas, Thruston, Todd, Turner, Valiant, Wickard, Wilmer, Wooden—78.

The proceedings of yesterday were read and approved.

On motion of Mr. Billingsley,

It was ordered to be entered on the Journal that the continued absence of John F. Dent, member elect from St. Mary's county, has been caused by the illness of his family and other domestic causes.

Mr. Scott submitted the following order :

Ordered, That the members of the Convention be limited to speeches of one hour in duration.

The question being on the adoption of the order,

Mr. Berry, of Prince George's, demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called and appeared as follows:

AFFIRMATIVE.

| | | |
|------------------|------------------|--------------------|
| Messrs. Abbott, | Hopkins, | Schley, |
| Annan, | Hopper, | Schlosser, |
| Audoun, | Jones, of Cecil, | Scott, |
| Baker, | Keefer, | Smith, of Carroll, |
| Barron, | Kennard, | Sneary, |
| Carter, | Larsh, | Stirling, |
| Cunningham, | Markey, | Stockbridge, |
| Cushing, | Mullikin, | Swope, |
| Daniel, | Murray, | Sykes, |
| Davis, of Wash., | Negley, | Thomas, |
| Earle, | Nyman, | Thruston, |
| Ecker, | Pugh, | Todd, |
| Galloway, | Robinette, | Valliant, |
| Hatch, | Russell, | Wickard, |
| Hebb, | Sands, | Wooden—46. |
| Hoffman, | | |

NEGATIVE.

| | | |
|---------------------|--------------------|-----------------|
| Messrs. | Davis, of Charles, | King, |
| Goldsborough, P't | Dennis, | Lansdale, |
| Belt, | Duvall, | Lee, |
| Berry, of Balt. co. | Edelen, | Marbury, |
| Berry, of P. G. | Farrow, | Mitchell, |
| Billingsley, | Gale, | Miller, |
| Blackiston, | Harwood, | Morgan, |
| Bond, | Henkle, | Parker, |
| Briscoe, | Hodson, | Parran, |
| Brown, | Hollyday, | Smith, of Wor., |

Chambers,
Clarke,
Crawford,

Horsey,
Jones, of Som.

Turner,
Wilmer—36.

So the question upon its adoption was decided in the affirmative.

Mr. Valliant submitted the following order:

Ordered, That when this Convention adjourn on Saturday next, it stand adjourned to meet on Thursday next, 10th, at 11 o'clock, at the New Assembly Rooms, in the city of Baltimore, and that a committee of five be appointed by the Chair to carry this order into effect.

Which the Chair ruled out of order, the same proposition having been once before decided by the Convention in the negative.

Mr. Valliant appealed from the decision of the Chair, but subsequently withdrew his appeal.

Mr. Schley asked permission to absent himself from the sessions of the Convention for a few days, having been summoned by the military authorities to attend a tribunal elsewhere ;

Which was granted.

The Resolutions submitted by Mr. Clarke on Tuesday last, appointing a Committee to wait upon the President of the United States, &c., in reference to compensation for the emancipation of slaves,

Was taken up.

Mr. Negley submitted the following amendment:

Strike out all after the word Congress, in the fifth line, and insert, "and call the attention of the President to the fact, that this Convention intends to insert a clause in its Constitution, abolishing slavery immediately and unconditionally, and to suggest to him the propriety of bringing the question of remunerating loyal slaveholders in this State before Congress, in accordance with the recommendations contained in his Annual Messages of December 1862 and 1863, and the Joint Resolutions of Congress, No. 26, approved April the 10th, 1862, to aid the State of Maryland in the adoption of a system of emancipation.

Mr. Daniel moved to lay the whole subject on the table.

The question being upon the adoption of the order,

Mr. Berry, of Prince George's, demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called and appeared as follows:

AFFIRMATIVE.

| | | |
|---------------------|------------------|--------------------|
| Messrs. | Hebb, | Sands, |
| Goldsborough, P't | Hoffman, | Schley, |
| Abbott, | Hopkins, | Schlosser, |
| Annan, | Hopper, | Scott, |
| Audoun, | Jones, of Cecil, | Smith, of Carroll, |
| Baker, | Keefer, | Smith, of Wor., |
| Barron, | Kennard, | Sneary, |
| Berry, of Balt. co. | King, | Stirling, |
| Carter, | Larsh, | Stockbridge, |
| Cunningham, | Markey, | Swope, |
| Cushing, | Mullikin, | Sykes, |
| Daniel, | Murray, | Thomas, |
| Davis, of Wash., | Negley, | Thruston, |
| Earle, | Nyman, | Todd, |
| Ecker, | Parker, | Valliant, |
| Farrow | Pugh, | Wickard, |
| Galloway, | Robinette, | Wooden—52. |
| Hatch, | Russell, | |

NEGATIVE.

| | | |
|--------------------|--------------------|--------------------|
| Messrs. Belt, | Davis, of Charles, | Jones of Somerset, |
| Berry, of P. Geo., | Dennis, | Lansdale, |
| Billingsley, | Duvall, | Lee, |
| Blackiston, | Edelen, | Marbury, |
| Bond, | Gale, | Mitchell, |
| Briscoe, | Harwood, | Miller, |
| Brown, | Henkle, | Morgan, |
| Chambers, | Hodson, | Parran, |
| Clarke, | Hollyday, | Turner, |
| Crawford, | Horsey, | Wilmer—30. |

So the question upon its adoption was decided in the affirmative, and the resolution laid on the table.

Mr. Berry, of Baltimore county, gave notice that when the subject last voted upon, and laid on the table, was again brought up for the consideration of the Convention, he would submit the following amendment:

Amend by striking out all after the word "Committee," in the first line of resolution offered by Mr. Clarke, page 129 of the Journal, and insert the following so as to read as follows:

Resolved, That a Special Committee, to consist of seven members be appointed by the President of the Convention, of which the President shall act as Chairman, whose duty it shall be to confer with the President of the United States, our Senators and Representatives in Congress, and the appropriate Committees of Congress, to ascertain what appropriation, if any, will be made by the Federal Government in compliance with the recommendations contained in the messages of the President of the United States of March 6th, 1862, and December 1st, 1862, and the joint resolution of Congress, approved April 10th, 1862, in the following words, to wit:

“That the United States ought to co-operate with any State which may adopt gradual abolishment of slavery, giving to such State pecuniary aid, to be used by the State in its discretion, to compensate for inconveniences, public and private, produced by such a change of system.”

Mr. Valliant again submitted the order for adjournment to Baltimore, and renewed his appeal from the decision of the Chair.

The Chair decided the appeal could not now be taken upon the same subject, a different subject having intervened between the motions for appeal.

The Order of the Day, being the report of the majority of the Committee on the Bill of Rights,

Was taken up.

Mr. Miller moved a call of the House,

The call being sustained,

The roll was called and the following members responded :

Messrs. Goldsborough, President, Abbott, Annon, Audoun, Baker, Barron, Berry, of Baltimore county, Berry, of Prince George's, Billingsley, Blackiston, Bond, Briscoe, Brown, Carter, Chambers, Crawford, Cunningham, Cushing, Daniel, Davis, of Charles, Davis, of Washington, Dennis, Duvall, Earle, Edelen, Farrow, Gale, Galloway, Harwood, Hatch, Hebb, Henkle, Hodson, Hoffman, Hollyday, Hopkins, Hopper, Horsey, Jones, of Cecil, Jones, of Somerset, Keefer, Kennard, King, Lansdale, Lee, Marbury, Markey, Mitchell, Miller, Morgan, Mullikin, Murray, Negley, Nyman, Parker, Parran, Pugh, Robinette, Russell, Sands, Schley, Schlosser, Scott, Smith, of Carroll, Smith, of Worcester, Sneary, Stirling, Stockbridge, Swope, Sykes, Thomas, Todd, Valliant, Wickard, Wilmer, Wooden—76.

On motion of Mr. Hebb,

All further proceedings under the call were dispensed with.

The question being on the adoption of the amendment of Mr. Sands to the amendment submitted by Mr. Clarke to the fourth Article of the report,

Mr. Sands demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called and appeared as follows:

AFFIRMATIVE.

| | | |
|-------------------|------------------|--------------------|
| Messrs. | Hebb, | Schley, |
| Goldsborough, P't | Hopkins, | Schlosser, |
| Annan, | Hopper, | Scott, |
| Audoun, | Jones, of Cecil, | Smith, of Carroll, |
| Baker, | Keefer, | Smith, of Wor., |
| Barron, | Kennard, | Sneary, |
| Carter, | Markey, | Stirling, |
| Cunningham, | Mullikin, | Stockbridge, |
| Cushing, | Murray, | Swope, |
| Daniel, | Negley, | Sykes, |
| Davis, of Wash., | Nyman, | Thomas, |
| Earle, | Pugh, | Todd, |
| Ecker, | Robinette, | Valliant, |
| Galloway, | Russell, | Wickard, |
| Hatch, | Sands, | Wooden—45. |

NEGATIVE.

| | | |
|---------------------|--------------------|----------------|
| Messrs. Abbott, | Crawford, | Jones, of Som. |
| Belt, | Davis, of Charles, | King, |
| Berry, of Balt. co. | Dennis, | Lansdale, |
| Berry, of P. Geo. | Duvall, | Larsh, |
| Billingsley, | Gale, | Lee, |
| Blackiston, | Harwood, | Marbury, |
| Bond, | Henkle, | Mitchell, |
| Briscoe, | Hodson, | Miller, |
| Brown, | Hoffman, | Morgan, |
| Chambers, | Hollyday, | Parker, |
| Clarke, | Horse,ey, | Wilmer—33. |

So the question upon its adoption was decided in the affirmative.

The question recurring upon the amendment as amended,

It was decided in the negative.

Mr. Briscoe submitted the following amendment:

Article 4, strike out in the third line, the word "paramount."

Pending the consideration of which,

The Convention adjourned.

FRIDAY, June 3d, 1864.

The Convention met at 10 o'clock, A. M.

Prayer by the Rev. Mr. McNemar.

Present at the call of the roll the following members:

Messrs. Goldsborough, President, Abbott, Annan, Audoun, Baker, Barron, Berry, of Price George's, Billingsley, Blackiston, Bond, Briscoe, Brown, Carter, Chambers, Clarke, Crawford, Cunningham, Cushing, Dail, Daniel, Davis, of Charles, Davis, of Washington, Dellinger, Dennis, Duvall, Earle, Ecker, Edelen, Farrow, Gale, Galloway, Green, Harwood, Hatch, Hebb, Hodson, Hoffman, Hopkins, Hopper, Horsey, Johnson, Jones, of Cecil, Jones, of Somerset, Keefer, Kennard, King, Lansdale, Larsh, Lee, Marbury, Markey, Mitchell, Miller, Morgan, Mullikin, Murray, Negley, Noble, Nyman, Parker, Parran, Peter, Pugh, Ridgely, Robinette, Russell, Sands, Schlosser, Scott, Smith, of Carroll, Smith, of Dorchester, Smith, of Worcester, Sneary, Stirling, Stockbridge, Swope, Sykes, Thomas, Todd, Turner, Valliant, Wickard, Wilmer, Wooden—84.

The proceedings of yesterday were read and approved.

Mr. Ridgely submitted the following order;

Ordered, That the President of the Convention be and he is hereby requested, if consistent with the terms of the present contract with the Printer of the Debates of the Convention, to take such steps as may be requisite to enforce the delivery of the printed copies thereof to the members within three days after the copy is supplied by the Stenographer, and if such end cannot be attained consistently with the ex-

isting contract, that he be and is hereby authorized to effect such a modification of the contract as will reach this object;

Which was adopted.

Mr. Hoffman submitted the following order:

Ordered, That if this Convention is resolved to adjourn for some days, that we adjourn this afternoon.

Mr. Ridgely, submitted the following amendment:

Strike out all after the word "that," in the first line, and insert: "when this Convention adjourns to-day, it stands adjourned until Monday, June 13, at 11 o'clock.

Mr. Todd submitted the following amendment to the amendment:

Strike out the words "Monday, June 13," and insert the words "Thursday next."

The question being upon the adoption of the amendment submitted by Mr. Ridgely,

Mr. Daniel demanded the yeas and nays;

The demand being sustained,

The yeas and nays were called, and appeared as follows:

AFFIRMATIVE.

| | | |
|---------------------|--------------------|----------------|
| Messrs. Abbott, | Davis, of Charles, | Lansdale, |
| Audoun, | Dennis, | Larsh, |
| Barron, | Duvall, | Lee, |
| Belt, | Edelen, | Marbury, |
| Berry, of Balt. co. | Gale, | Mitchell, |
| Berry, of P. Geo., | Harwood, | Miller, |
| Billingsley, | Hatch, | Morgan, |
| Blackiston, | Henkle, | Parran, |
| Briscoe, | Hodson, | Peter, |
| Chambers, | Horsey, | Ridgely, |
| Clarke, | Johnson, | Smith, of or., |
| Crawford, | Jones, of Som., | Turner—38. |
| Dail, | King, | |

NEGATIVE.

| | | |
|-------------------|------------------|--------------------|
| Messrs. | Hebb, | Sands, |
| Goldsborough, P't | Hoffman, | Schlosser, |
| Annan, | Hopkins, | Scott, |
| Baker, | Hopper, | Smith, of Carroll, |
| Bond, | Jones, of Cecil, | Smith, of Wor., |

| | | |
|------------------|------------|--------------|
| Brown, | Keefer, | Sneary, |
| Carter, | Kennard, | Stirling, |
| Cunningham, | Markey, | Stockbridge, |
| Cushing, | Mullikin, | Swope, |
| Daniel, | Murray, | Sykes, |
| Davis, of Wash., | Negley, | Thomas, |
| Dellinger, | Noble, | Todd, |
| Earle, | Nyman, | Valliant, |
| Ecker, | Parker, | Wickard, |
| Farrow, | Pugh, | Wilmer, |
| Galloway, | Robinette, | Wooden—49. |
| Greene, | Russell, | |

So the question upon its adoption was decided in the negative.

Mr. Stirling submitted the following amendment to the amendment,

Strike out the words “to-day,” and insert the word “Saturday.”

The question being on the adoption of the amendment submitted by Mr. Todd,

Mr. Stirling demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called and appeared as follows:

AFFIRMATIVE.

| | | |
|---------------------|--------------------|-----------------|
| Messrs. Belt, | Duvall, | Lee, |
| Berry, of Balt. Co. | Edelen, | Marbury, |
| Berry, of P. G., | Gale, | Mitchell, |
| Billingsley, | Galloway, | Miller, |
| Blackiston, | Harwood, | Morgan, |
| Bond, | Hatch, | Noble, |
| Briscoe, | Henkle, | Peter, |
| Carter, | Hopper, | Ridgely, |
| Chambers, | Horse, | Sands, |
| Clarke, | Johnson, | Smith, of Dor., |
| Crawford, | Jones, of Somerset | Smith, of Wor., |
| Dail, | King, | Todd, |
| Davis, of Charles, | Lansdale, | Turner, |
| Dennis, | Larsh, | Wilmer—42. |

NEGATIVE.

| | | |
|-------------------|---------|------------|
| Messrs. | Farrow, | Robinette, |
| Goldsborough, P't | Greene, | Russell, |
| Abbott, | Hebb, | Schlosser, |

| | | |
|------------------|------------------|--------------------|
| Annon, | Hoffman, | Scott, |
| Audoun, | Hopkins, | Smith, of Carroll, |
| Baker, | Jones, of Cecil, | Sneary, |
| Barron, | Keefer, | Stirling, |
| Brown, | Kennard, | Stockbridge, |
| Cunningham, | Markey, | Swope, |
| Cushing, | Mullikin, | Sykes, |
| Daniel, | Murray, | Thomas, |
| Davis, of Wash., | Negley, | Valliant, |
| Dellinger, | Nyman, | Wickard, |
| Earle, | Parker, | Wooden—43. |
| Ecker, | Pugh, | |

So the question upon its adoption was decided in the negative.

The question recurring upon the amendment to the amendment submitted by Mr. Stirling,

On motion of Mr. Hebb,

It was laid on the table.

Mr. Scott submitted the following order :

Ordered, That the Committee on Accounts be requested to consider and report to this Convention what compensation should be allowed to the person whose duty it is, during the sessions of the Convention, to hoist the United States Flag from the dome of the State House;

Which was adopted.

The Order of the Day, being the report of the majority of the Committee on the Bill of Rights,

Was taken up.

The question being on the adoption of Mr. Briscoe's amendment to the fourth Article of the report;

After debate thereon,

The Convention adjourned.

SATURDAY, June 4th, 1864.

The Convention met at 10 o'clock, A. M.

Prayer by the Rev. Mr. Patterson.

Present at the call of the roll, the following members :

Messrs. Goldsborough, President, Abbott, Annon, Audoun, Baker, Berry, of Prince George's, Clarke, Cunningham, Cushing, Daniel, Davis, of Charles, Davis, of Washington, Delinger, Duvall, Earle, Ecker, Farrow, Hebb, Hodson, Hopper, Horsey, Jones, of Somerset, Keefer, Marbury, Markey, McComas, Miller, Morgan, Mullikin, Murray, Negley, Nymman, Parker, Peter, Pugh, Russell, Schlosser, Scott, Smith, of Carroll, Smith, of Worcester, Sneary, Stockbridge, Swope, Sykes, Thomas, Truston, Todd, Valliant, Wickard, Wilmer, Wooden—51.

The proceedings of yesterday were read and approved.

Mr. Cushing submitted the following order:

Ordered, That the use of this Hall, on Sundays, at the discretion of the President of the Convention, be granted to the Agent of the United States Sanitary Commission;

Which was adopted.

On motion of Mr. Farrow,

It was ordered to be entered on the Journal, that James D. Carter, of Caroline county, is absent from his seat in this body on account of sickness in his family.

On motion of Mr. Cushing,

It was ordered to be entered on the Journal, that Mr. Stirling, member from Baltimore city, is absent from his seat in this Convention, by reason of family affliction.

On motion of Mr. Thomas,

It was ordered to be entered on the Journal, that William Brooks, of Baltimore city, is detained from his seat, on account of official business connected with the draft in said city.

Mr. Smith, of Carroll, submitted the following order:

Ordered, That when this Convention adjourn to-day, it stand adjourned until Thursday next, 9th inst.

Mr. Berry, of Prince George's, submitted the following amendment:

Strike out the words "Thursday next, 9th inst.," and insert the words "Monday next, 13th inst."

The question being upon the adoption of the amendment submitted by Mr. Berry, of Prince George's,

Mr. Daniel demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|--------------------|-----------------|--------------------|
| Messrs. Abbott, | Hodson, | Morgan, |
| Berry, of P. Geo., | Horsey, | Peter, |
| Clarke, | Jones, of Som., | Pugh, |
| Cunningham, | Marbury, | Smith, of Carroll, |
| Davis, of Charles, | Markey, | Thomas, |
| Duvall, | Miller, | Wilmer—18. |

NEGATIVE.

| | | |
|-------------------|------------|-----------------|
| Messrs. | Hebb, | Scott, |
| Goldsborough, P't | Hopper, | Smith, of Wor., |
| Annan, | Keefer, | Sneary, |
| Audoun, | McComas, | Stockbridge, |
| Baker, | Mullikin, | Swope, |
| Cushing, | Murray, | Sykes, |
| Daniel, | Negley, | Thruston, |
| Davis, of Wash., | Nyman, | Todd, |
| Dellinger, | Parker, | Valliant, |
| Earle, | Russell, | Wickard, |
| Ecker, | Schlosser, | Wooden—33. |
| Farrow, | | |

So the question upon its adoption was decided in the negative.

The question recurring upon the order submitted by Mr. Smith, of Carroll,

Mr. Daniel demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows:

AFFIRMATIVE.

| | | |
|--------------------|--------------------|--------------------|
| Messrs. Audoun, | Horsey, | Russell, |
| Berry, of P. Geo., | Jones of Somerset, | Smith, of Carroll, |
| Clarke, | Marbury, | Smith, of Wor., |
| Cushing, | Markey, | Sykes, |
| Davis, of Charles, | McComas, | Thomas, |

Duvall,
Ecker,
Farrow
Hopper,

Miller,
Morgan,
Murray,
Peter,

Thruston,
Valliant,
Wilmer,
Wooden—27.

NEGATIVE.

Messrs.
Goldsborough, P't
Abbott,
Annan,
Baker,
Cunningham,
Daniel,
Davis, of Wash.,

Dellinger,
Earle,
Hebb,
Keefer,
Mullikin,
Negley,
Nyman,
Parker,

Pugh,
Schlosser,
Scott,
Sneary,
Stockbridge,
Swope,
Todd,
Wickard—23.

So the question on its adoption was decided in the affirmative.

Mr. Hebb submitted the following order :

Ordered, That hereafter no member of this Convention shall receive any per diem for such time as he may be absent, unless such absence is occasioned by sickness, or by permission of the Convention.

On motion of Mr. Thomas,

The consideration of the order was postponed until Thursday next.

The Order of the Day, being the Report of the majority of the Committee on the Bill of Rights,

Was taken up.

Pending the consideration of which,

Mr. Thomas moved that the Convention do now adjourn.

The question being on the adoption of the motion,

Mr. Pugh, demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

Messrs.
Berry, of P. Geo.
Clarke,
Cunningham,
Davis, of Charles,
Duvall,

Horse, y,
Jones, of Som.,
Marbury,
Markey,
Miller,

Morgan,
Murray,
Peter,
Thomas,
Wilmer—15.

NEGATIVE.

| | | |
|-------------------|------------|-----------------|
| Messrs. | Farrow, | Scott, |
| Goldsborough, P't | Hebb, | Smith, of Wor., |
| Abbott, | Hopper, | Sneary, |
| Annan, | McComas, | Stockbridge, |
| Audoun, | Mullikin, | Swope, |
| Baker, | Negley, | Sykes, |
| Cushing, | Nyman, | Thruston, |
| Daniel, | Parker, | Todd, |
| Davis, of Wash., | Pugh, | Valliant, |
| Dellinger, | Russell, | Wickard, |
| Earle, | Schlosser, | Wooden—33. |
| Ecker, | | |

So the question upon its adoption was decided in the negative.

Mr. Hebb moved a call of the Convention;

The motion being sustained,

The roll was call, and the following members responded:

Messrs. Goldsborough, President, Abbott, Annan, Audoun, Baker, Berry, of Prince George's, Clarke, Cunningham, Cushing, Daniel, Davis, of Charles, Davis, of Washington, Dellinger, Duvall, Earle, Ecker, Farrow, Hebb, Hopper, Horsey, Jones, of Somerset, Keefer, Marbury, Markey, McComas, Miller, Morgan, Mullikin, Murray, Negley, Nyman, Parker, Peter, Pugh, Russell, Schlosser, Scott, Smith, of Carroll, Smith, of Worcester, Sneary, Stockbridge, Swope, Sykes, Thomas, Thruston, Todd, Wickard, Wilmer, Wooden—50.

On motion of Mr. Cushing,

All further proceedings under the call were dispensed with.

The consideration of the Bill of Rights, was then resumed.

Mr. Cushing moved to postpone the consideration of the fourth Article of the report until Thursday next, and proceed with the balance of the report, commencing with the 27th Article.

Decided in the affirmative.

Mr. Clarke submitted the following amendment:

Article 30, strike out all after the word "owner" in the second line, and insert the words "and in time of war in such manner only as the Legislature shall direct."

The question upon its adoption was decided in the negative.

Article 31, strike out the word "ought," in the third line, and insert the word "shall."

Decided in the negative.

Mr. Clarke submitted the following amendment:

Article 31, strike out all after the word "that," in the first line, and insert the words, "no person shall be held to answer for any charge or crime before a Court Martial or Military tribunal, except in cases arising in the land and naval forces of the United States, or in the Militia of the State when in actual service in time of war or public danger."

The question being on the adoption of the amendment,

Mr. Clarke demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows:

AFFIRMATIVE.

| | | |
|--------------------|-----------------|--------------|
| Messrs. | Hodson, | Parker, |
| Berry, of P. Geo., | Horseý, | Peter, |
| Clarke, | Jones, of Som., | Stockbridge, |
| Cunningham, | Marbury, | Thomas, |
| Davis, of Charles, | Miller, | Wilmer—16. |
| Duvall, | Morgan, | |

NEGATIVE.

| | | |
|-------------------|------------|--------------------|
| Messrs. | Hebb, | Scott, |
| Goldsborough, P't | Hopper, | Smith, of Carroll, |
| Abbott, | Keefer, | Smith, of Wor., |
| Annan, | Markey, | Sneary, |
| Audoun, | McComas, | Swope, |
| Baker, | Mullikin, | Sykes, |
| Cushing, | Murray, | Thruston, |
| Daniel, | Negley, | Todd, |
| Davis, of Wash., | Nyman, | Valliant, |
| Dellinger, | Pugh, | Wickard, |
| Earle, | Russell, | Wooden—34. |
| Farrow, | Schlosser, | |

So the question upon its adoption was decided in the negative.

Mr. Stockbridge submitted the following amendment :

Article 31, line 3, after the word "case," insert the word "to;"

Decided in the affirmative.

Mr. Davis, of Charles, submitted the following amendment:

Article 31, 2d line, strike out the words "in the service of this State."

Decided in the negative.

Mr. Jones, of Somerset, submitted the following amendment:

Article 32, 6th line, insert after the word assembly, the following words, "after such notice and trial by the General Assembly as shall be prescribed by general law."

Decided in the negative.

Mr. Abbott submitted the following amendment:

Article 32, line 6, strike out the words "two-thirds," and insert the words "a majority."

Decided in the negative.

Mr. Stockbridge submitted the following amendment:

Article 32, strike out all after the word "people," in the third line.

The question being taken, upon a division no quorum voted, yeas 24, nays 22.

Mr. Pugh moved a call of the Convention;

The call being sustained,

The roll was called, and the following members responded:

Messrs. Goldsborough, President, Abbott, Annan, Audoun, Baker, Berry, of Prince George's, Clarke, Cunningham, Cushing, Daniel, Davis, of Charles, Davis, of Washington, Duvall, Earle, Ecker, Farrow, Hebb, Hodson, Hopper, Horsey, Jones, of Somerset, Keefer, Marbury, Markey, McComas, Miller, Morgan, Mullikin, Murray, Negley, Parker, Pugh, Russell, Schlosser, Scott, Smith, of Carroll, Smith, of Worcester, Sneary, Stockbridge, Swope, Sykes, Thomas, Thruston, Todd, Valliant, Wickard, Wilmer, Wooden—48.

There being no quorum present,

On motion of Mr. Jones, of Somerset,

The Convention adjourned.

THURSDAY, June 9th, 1864.

The Convention met at 10 o'clock, A. M.

Prayer by the Rev. Mr. Owen.

All the members present except the following:

Messrs. Annan, Audoun, Belt, Berry, of Baltimore county, Berry, of Prince George's, Billingsley, Blackiston, Briscoe, Carter, Chambers, Clarke, Crawford, Cunningham, Cushing, Dail, Daniel, Davis, of Washington, Dellinger, Dennis, Dent, Duvall, Edelen, Farrow, Gale, Galloway, Henkle, Hoffman, Hollyday, Johnson, Jones, of Somerset, King, Lee, Mace, Marbury, Markey, Mayhugh, Mitchell, Morgan, Mullikin, Murray, Negley, Noble, Parran, Pugh, Purnell, Russell, Sands, Schley, Schlosser, Smith, of Dorchester, Smith, of Worcester, Sneary, Stirling, Sykes, Thruston, Todd, Turner, Valliant, Wilmer—59.

There being no quorum present,

Mr. Stockbridge moved a call of the Convention,

The motion being sustained,

The roll was called, and the following members responded:

Messrs. Goldsborough, President, Abbott, Baker, Barron, Bond, Brooks, Brown, Daniel, Davis, of Charles, Earle, Ecker, Green, Harwood, Hatch, Hebb, Henkle, Hodson, Hopkins, Hopper, Horsey, Jones, of Cecil, Keefer, Kennard, Lansdale, Larsh, McComas, Miller, Nyman, Parker, Peter, Ridgely, Robinette, Scott, Smith, of Carroll, Smith, of Dorchester, Stockbridge, Swope, Thomas, Wickard, Wooden—40.

On motion of Mr. Stockbridge,

The Sergeant-at-Arms was sent after the absent members.

The Sergeant-at-Arms returned, and reported that he had summoned six members to attend, being all that he could find in the city.

Further proceedings were suspended informally until half-past 12 o'clock, when the roll was again called, and the following members responded:

Messrs. Goldsborough, President, Abbott, Baker, Barron, Bond, Brooks, Brown, Clarke, Cushing, Daniel, Earle,

Ecker, Green, Harwood, Hatch, Hebb, Hopkins, Hopper, Horsey, Jones, of Cecil, Jones, of Somerset, Keefer, Kennard, Lansdale, Larsh, McComas, Negley, Nyman, Parker, Peter, Ridgely, Robinette, Schlosser, Scott, Smith, of Carroll, Smith, of Worcester, Stirling, Stockbridge, Swope, Thomas, Thruston, Wickard, Wooden—43.

There being no quorum present,

On motion of Mr. Thomas,

The Convention adjourned.

FRIDAY, June 10th, 1864.

The Convention met at 10 o'clock, A. M.

Prayer by the Rev. Mr. Davenport.

All the members present except the following :

Messrs. Goldsborough, President, Annan, Audoun, Belt, Berry, of Baltimore county, Berry, of Prince George's, Billingsley, Blackiston, Briscoe, Brooks, Carter, Chambers, Clarke, Crawford, Davis, of Charles, Dellinger, Dennis, Dent, Edelen, Farrow, Gale, Hoffman, Hollyday, Johnson, King, Lee, Mace, Marbury, Mayhugh, McComas, Murray, Parran, Peter, Pugh, Purnell, Ridgely, Sands, Schley, Smith, of Dorchester, Stockbridge, Thomas, Thruston, Turner, Wilmer—44.

The order submitted by Mr. Hebb on Saturday last, to wit: that hereafter no member of this Convention shall receive any per diem for such time as he may be absent, unless such absence is occasioned by sickness, or by permission of the Convention,

Was taken up.

Mr. Miller submitted the following amendment:

Strike out all after the words "per diem," in the second line.

Mr. Wickard moved to lay the amendment on the table;

The question being on the adoption of the motion,
 Mr. Hebb demanded the yeas and nays,
 The demand being sustained,
 The yeas and nays were called and appeared as follows:

AFFIRMATIVE.

| | | |
|------------------|------------------|-------------|
| Messrs. Clarke, | Hopkins, | Negley, |
| Cunningham, | Hopper, | Noble, |
| Dail, | Jones, of Cecil, | Nyman, |
| Davis, of Wash., | Keefer, | Robinette, |
| Duvall, | Kennard, | Schlosser, |
| Galloway, | Lansdale, | Stirling, |
| Greene, | Larsh, | Sykes, |
| Harwood, | Markey, | Todd, |
| Hatch, | Mitchell, | Valliant, |
| Henkle, | Morgan, | Wickard—31. |
| Hodson, | | |

NEGATIVE.

| | | |
|-----------------|-----------------|--------------------|
| Messrs. Abbott, | Ecker, | Russell, |
| Baker, | Hebb, | Scott, |
| Barron, | Horsey, | Smith, of Carroll, |
| Bond, | Jones, of Som., | Smith, of Wor. |
| Cushing, | Miller, | Sneary, |
| Daniel, | Mullikin, | Swope, |
| Earle, | Parker, | Wooden—21. |

So the question upon its adoption was decided in the affirmative.

On motion of Mr. Davis,

It was ordered to be entered on the Journal that the absence of Mr. Dellinger, from his seat in this body, is caused by severe indisposition ; and that the continued absence of Mr. Mayhugh, is caused by illness.

The Order of the Day, being the Report of the majority of the Committee on the Bill of Rights,

Was taken up.

The question being on the adoption of the amendment submitted by Mr. Stockbridge, to wit :

“Strike out all after the word “people,” in the 3rd line of the 32d section.

Mr. Stirling demanded the yeas and nays;

The demand being sustained,

The yeas and nays were called, and appeared as follows:

AFFIRMATIVE.

| | | |
|----------------|------------------|--------------|
| Messrs. Brown, | Hopper, | Noble, |
| Clarke, | Horsey, | Nyman, |
| Cunningham, | Jones, of Cecil, | Parker, |
| Dail, | Jones, of Som. | Russell, |
| Duvall, | Mitchell, | Scott, |
| Earle, | Miller, | Todd, |
| Greene, | Morgan, | Valliant—23. |
| Hodson, | Negley, | |

NEGATIVE.

| | | |
|------------------|-----------|--------------------|
| Messrs. Abbott, | Hatch, | Robinette, |
| Baker, | Hebb, | Schlosser, |
| Barron, | Henkle, | Smith, of Carroll, |
| Bond, | Hopkins, | Smith, of Wor., |
| Cushing, | Keefer, | Sneary, |
| Daniel, | Kennard, | Stirling, |
| Davis, of Wash., | Lansdale, | Swope, |
| Ecker, | Larsh, | Sykes, |
| Galloway, | Markey, | Wickard, |
| Harwood, | Mullikin, | Wooden—30. |

So the question upon its adoption was decided in the negative.

Mr. Henkle submitted the following amendment:

Article 34, first line, after the word "person," insert, "except Justices of the Peace."

Decided in the negative.

Mr. Jones, of Somerset, submitted the following amendment:

Article 35, strike out the article "a" before "God," in the 12th line;

Decided in the affirmative.

Mr. Miller, submitted the following amendment:

Article 35, strike out all after the word "witness" in the 11th line, and insert the words "on account of his opinions on matters of religious belief."

Decided in the negative.

Mr. Stirling submitted the following amendment:

Article 36, 2d line, after the word "office," insert the words "and qualification.

Decided in the affirmative.

Mr. Ridgely submitted the following amendment:

Article 36, strike out all after the word "the," in the fourth line to the word "belief," in the 6th line, and insert the following words: "existence of God and."

Mr. Clarke submitted the following amendment to the amendment:

Article 36, strike out all after the words "Christian Religion," in the 4th line, and insert the words "or in the existence of God, and in a future state of rewards and punishments."

The question being on the adoption of the amendment to the amendment,

It was decided in the affirmative.

The question recurring upon the amendment as amended,

It was decided in the affirmative.

Mr. Stirling submitted the following amendment:

Article 36, insert between the words "them" and "such," in the second line, the words "such oath of allegiance and fidelity to this State and the United States as may be prescribed by this Constitution, and."

Mr. Miller submitted the following amendment to the amendment:

Strike out the word "allegiance," and insert the word "support."

The question being upon the adoption of the amendment to the amendment,

Mr. Miller demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows:

AFFIRMATIVE.

| | | |
|---------------|-----------------|------------|
| Messrs. Bond, | Harwood, | Lansdale, |
| Brown, | Henkle, | Mitchell, |
| Clarke, | Hodson, | Miller, |
| Dail, | Horsey, | Morgan—14. |
| Duvall, | Jones, of Som., | |

NEGATIVE.

| | | |
|------------------|------------|--------------------|
| Messrs. Abbott, | Keefer, | Schlosser, |
| Baker, | Kennard, | Scott, |
| Cushing, | King, | Smith, of Carroll, |
| Daniel, | Larsh, | Smith, of Wor., |
| Earle, | Markey, | Sneary, |
| Ecker, | Mullikin, | Stirling, |
| Farrow, | Murray, | Stockbridge, |
| Galloway, | Negley, | Swope, |
| Greene, | Noble, | Sykes, |
| Hatch, | Nyman, | Thomas, |
| Hebb, | Parker, | Todd, |
| Hopkins, | Ridgely, | Valliant, |
| Hopper, | Robinette, | Wickard, |
| Jones, of Cecil, | Russell, | Wooden—42. |

So the question upon its adoption was decided in the negative.

The question recurring upon the adoption of the amendment submitted by Mr. Stirling,

It was decided in the affirmative.

Mr. Stockbridge submitted the following amendment :

Strike out Article 37.

The question being on the adoption of the amendment,

Mr. Thomas demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-----------------|--------|----------------|
| Messrs. Daniel, | Hatch, | Stockbridge—3. |
|-----------------|--------|----------------|

NEGATIVE.

| | | |
|------------------|------------------|--------------------|
| Messrs. Abbott, | Hopkins, | Nyman, |
| Baker, | Hopper, | Parker, |
| Barron, | Horsey, | Ridgely, |
| Bond, | Jones, of Cecil, | Robinette, |
| Brown, | Jones, of Som., | Russell, |
| Clarke, | Keefer, | Schlosser, |
| Cunningham, | Kennard, | Scott, |
| Cushing, | King, | Smith, of Carroll, |
| Davis, of Wash., | Lansdale, | Smith, of Wor., |
| Duvall, | Larsh, | Sneary, |
| Earle, | Markey, | Stirling, |

| | | |
|-----------|-----------|------------|
| Ecker, | Mitchell, | Swope, |
| Farrow, | Miller, | Sykes, |
| Galloway, | Morgan, | Thomas, |
| Greene, | Mullikin, | Todd, |
| Hebb, | Murray, | Valliant, |
| Henkle, | Negley, | Wickard, |
| Hodson, | Noble, | Wooden—54. |

So the question upon its adoption was decided in the negative.

Mr. Henkle submitted the following amendment :

Article 37, 12th line, strike out the word “five,” and insert the word “fifty;”

Decided in the negative.

Mr. Brown submitted the following amendment :

Article 37, 11th line, strike out the word “leave,” and insert the word “sanction ;”

Decided in the negative.

Mr. Cushing submitted the following amendment :

Article 37, 10th line, insert, after the words “without the,” the words “prior or subsequent sanction ;”

Decided in the affirmative.

Mr. Stockbridge submitted the following amendment :

Article 38, strike out all after the word “as,” in the 2nd line, and add, “is most in accordance with, and most binding upon the conscience of the person to whom such oath or affirmation may be administered ;”

Decided in the negative.

Mr. Jones, of Somerset, submitted the following amendment:

Article 39, insert after the word “of” in the first line, the words “speech and of.”

The question being on the adoption of the amendment,

Mr. Jones, of Somerset, demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

| | | |
|---------------|-------------------|--------------------|
| Messrs. Bond, | Jones, of Somer., | Parker, |
| Brown, | Kennard, | Robinette, |
| Clarke, | Lansdale, | Scott, |
| Dail, | Mitchell, | Smith, of Carroll, |
| Duvall, | Miller, | Thomas, |
| Farrow, | Morgan, | Todd, |
| Harwood, | Mullikin, | Valliant, |
| Henkle, | Negley, | Wickard, |
| Hodson, | Noble, | Wooden—28. |
| Horsey, | | |

NEGATIVE.

| | | |
|------------------|------------------|-----------------|
| Messrs. Abbott, | Greene, | Murray, |
| Baker, | Hatch, | Ridgely, |
| Barron, | Hebb, | Russell, |
| Cunningham, | Hopkins, | Schlosser, |
| Cushing, | Hopper, | Smith, of Wor., |
| Daniel, | Jones, of Cecil, | Sneary, |
| Davis, of Wash., | Keefer, | Stirling, |
| Earle, | King, | Swope, |
| Ecker, | Larsh, | Sykes—28. |
| Galloway, | | |

So the question upon its adoption was decided in the negative.

Mr. Abbott submitted the following amendment:

Article 39, add to end of Article the words, "except when used for treasonable purposes,"

The question being upon the adoption of the amendment, Mr. Abbott demanded the yeas and nays ;

The demand being sustained,

The yeas and nays were called and appeared as follows:

AFFIRMATIVE.

| | | |
|------------------|------------------|------------|
| Messrs. Abbott, | Hatch, | Larsh, |
| Baker, | Jones, of Cecil, | Negley, |
| Barron, | King, | Sneary—10. |
| Davis, of Wash., | | |

NEGATIVE.

| | | |
|---------------|----------|------------|
| Messrs. Bond, | Hodson, | Ridgely, |
| Brown, | Hopkins, | Robinette, |
| Clarke, | Hopper, | Russell, |

| | | |
|-------------|-----------------|--------------------|
| Cunningham, | Horsey, | Schlosser, |
| Cushing, | Jones, of Som., | Scott, |
| Dail, | Keefer, | Smith, of Carroll, |
| Daniel, | Kennard, | Smith, of Wor., |
| Duvall, | Lansdale, | Stirling, |
| Earle, | Mitchell, | Swope, |
| Ecker, | Miller, | Sykes, |
| Farrow, | Morgan, | Thomas, |
| Galloway, | Mullikin, | Todd, |
| Greene, | Murray, | Valliant, |
| Harwood, | Noble, | Wickard, |
| Hebb, | Parker, | Wooden—46. |
| Henkle, | | |

So the question upon its adoption was decided in the negative.

Mr. Todd submitted the following amendment :

Strike out Article 44.

Mr. Clarke submitted the following amendment to the amendment:

Article 44, strike out all after the word “that” and insert the words, “the Legislature shall pass no law providing for an alteration, change or abolishment of this Constitution except in the manner therein prescribed and directed ;

The question being on the adoption of the amendment to the amendment,

Mr. Clarke demanded the yeas and nays;

The demand being sustained,

The yeas and nays were called and appeared as follows:

AFFIRMATIVE.

| | | |
|------------------|-----------|--------------------|
| Messrs. Baker, | Harwood, | Miller, |
| Barron, | Henkle, | Morgan, |
| Bond, | Hodson, | Nyman, |
| Brown, | Hopkins, | Parker, |
| Clarke, | Hopper, | Ridgely, |
| Cunningham, | Horsey, | Schlosser, |
| Cushing, | Keefer, | Scott, |
| Dail, | Kennard, | Smith, of Carroll, |
| Davis, of Wash., | King, | Sneary, |
| Duvall, | Lansdale, | Stirling, |
| Ecker, | Larsh, | Swope, |

Farrow,
Galloway,
Greene,

Markey,
Mitchell,

Wickard,
Wooden—40.

NEGATIVE.

Messrs. Abbott,
Daniel,
Earle,
Hatch,
Hebb,
Jones, of Cecil,

Jones, of Som.,
Mullikin,
Murray,
Negley,
Noble,
Robinette,

Russell,
Smith, of Wor.,
Stockbridge,
Thomas,
Todd—17.

So the question upon its adoption was decided in the affirmative.

On motion of Mr. Stirling,

The vote last taken was reconsidered,

Mr. Todd withdrew his motion to strike out article 44,

The question again recurring upon the adoption of the amendment submitted by Mr. Clarke,

It was decided in the affirmative.

On motion of Mr. Thomas,

It was ordered to be entered on the Journal that Joseph H. Audoun, of Baltimore city, is detained from his seat in the Convention by sickness.

On motion of Mr. Cushing,

The Convention adjourned.

SATURDAY, June 11th, 1864.

The Convention met at 10 o'clock, A. M.

Prayer by the Rev. Mr. McNemar,

All the Members present except the following :

Messrs. Goldsborough, (President,) Audoun, Barron, Belt, Berry, of Baltimore county, Berry, of Prince George's, Bil-

lingsley, Blackistone, Bond, Briscoe, Brooks, Carter, Chambers, Crawford, Dail, Davis, of Charles, Dellinger, Dennis, Dent, Earle, Edelen, Gale, Hatch, Hodson, Hoffman, Holleyday, Johnson, Kennard, Lansdale, Lee, Mace, Marbury, Mayhugh, Noble, Peter, Pugh, Purnell, Ridgely, Sands, Schley, Smith, of Dorchester, Thruston, Turner, Wilmer.

The proceedings of yesterday were read and approved.

Mr. Todd submitted the following order:

Ordered, That the Committee on the Legislative Department be instructed to inquire into the expediency of incorporating into the Constitution a provision making it the duty of the Legislature to provide by law for the apprenticeship, by courts of competent jurisdiction, of emancipated negroes, who are minors, so as to better provide for their welfare and preparation for the enjoyment of freedom.

The question being on the adoption of the order,

Mr. Stirling demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called and appeared as follows:

AFFIRMATIVE.

| | | |
|------------------|-----------|--------------------|
| Messrs. Baker, | King, | Robinette, |
| Clarke, | Larsh, | Russell, |
| Cunningham, | Markey, | Schlosser, |
| Daniel, | McComas, | Scott, |
| Farrow, | Mitchell, | Smith, of Carroll, |
| Galloway, | Miller, | Smith, of Wor., |
| Greene, | Morgan, | Sneary, |
| Henkle, | Mullikin, | Swope, |
| Hopkins, | Murray, | Sykes, |
| Hopper, | Negley, | Thomas, |
| Horsey, | Nyman, | Todd, |
| Jones, of Cecil, | Parker, | Valliant, |
| Jones, of Som. | Parran, | Wooden—39. |

NEGATIVE.

| | | |
|-----------------|----------|--------------|
| Messrs. Abbott, | Duvall, | Keefer, |
| Annan, | Ecker, | Stirling, |
| Brown, | Harwood, | Stockbridge, |
| Cushing, | Hebb, | Wickard—13. |
| Davis, of Wash. | | |

So the question upon its adoption was decided in the affirmative.

The Order of the Day being the Report of the majority of the Committee on the Bill of Rights,

Was taken up.

Mr. Jones, of Somerset, submitted the following amendment:

Insert as an additional Article, the following:

Article 45, That every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that liberty.

Mr. Stockbridge submitted the following amendment to the amendment:

Strike out the words "may freely," and insert the words "ought to be allowed to."

The question being on the adoption of the amendment to the amendment,

Mr. Jones, of Somerset, demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called and appeared as follows:

AFFIRMATIVE.

| | | |
|------------------|------------------|--------------------|
| Messrs. Abbott, | Henkle, | Nyman, |
| Annan, | Hodson, | Robinette, |
| Baker, | Hopkins, | Russell, |
| Brown, | Hopper, | Schlosser, |
| Clarke, | Horsey, | Scott, |
| Cunningham, | Jones, of Cecil, | Smith, of Carroll, |
| Cushing, | Keefer, | Smith, of Wor., |
| Daniel, | Larsh, | Sneary, |
| Davis, of Wash., | Markey, | Stockbridge, |
| Duvall, | McComas, | Swope, |
| Ecker, | Morgan, | Sykes, |
| Farrow, | Mullikin, | Thomas, |
| Galloway, | Murray, | Todd, |
| Greene, | Negley, | Wooden—43. |
| Hebb, | | |

NEGATIVE.

| | | |
|------------------|---------|-------------|
| Messrs. Harwood, | Miller, | Stirling, |
| Jones, of Som. | Parker, | Valliant, |
| King, | Parran, | Wickard—10. |
| Mitchell, | | |

So the question upon its adoption was decided in the affirmative.

The question recurring upon the adoption of the amendment submitted by Mr. Jones, of Somerset,

Mr. Jones, of Somerset, demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|----------------|-----------------|--------------------|
| Messrs. Brown, | Hopper, | Russell, |
| Clarke, | Horsey, | Schlosser, |
| Cunningham, | Jones, of Som., | Scott, |
| Daniel, | Larsh, | Smith, of Carroll, |
| Duvall, | McComas, | Smith, of Wor., |
| Farrow, | Mitchell, | Stirling, |
| Galloway, | Miller, | Stockbridge, |
| Greene, | Morgan, | Thomas, |
| Harwood, | Negley, | Todd, |
| Henkle, | Parran, | Valliant, |
| Hodson, | Robinette, | Wickard—33. |

NEGATIVE.

| | | |
|------------------|------------------|------------|
| Messrs. Abbott, | Hopkins, | Nyman, |
| Annan, | Jones, of Cecil, | Parker, |
| Baker, | Keefer, | Sueary, |
| Cushing, | King, | Swope, |
| Davis, of Wash., | Markey, | Sykes, |
| Ecker, | Mullikin, | Wooden—20. |
| Hebb, | Murray, | |

So the question upon its adoption was decided in the affirmative.

Mr. Abbott submitted the following amendment :

Insert as an additional Article the following :

Article 1, Truths to be held as self evident are, that all men are created equally free ; that they are endowed by their Creator with certain inalienable rights, among which are life, liberty, the enjoyment of the proceeds of their own labor, and the pursuit of happiness.

On motion of Mr. Abbott,

The consideration of the amendment was informally passed over.

On motion of Mr. Thomas,

The consideration of the fourth Article of the Report was resumed.

After debate thereon,

On motion of Mr. Daniel,

The Convention adjourned until Monday next, at 12 o'clock.

MONDAY, June 13th, 1864.

The Convention met at 12 o'clock, M.

Prayer by the Rev. Mr. Patterson.

All the members present except the following:

Messrs. Goldsborough, (President,) Belt, Berry, of Baltimore county, Berry, of Prince George's, Billingsley, Blackiston, Briscoe, Brooks, Carter, Crawford, Dellinger, Dent, Edelen, Gale, Harwood, Henkle, Hodson, Hoffman, Holiday, Hopper, Johnson, Lansdale, Lee, Marbury, Mayhugh, Murray, Purnell, Ridgely, Russell, Schley, Thomas, Turner, Wilmer—34.

The proceedings of Saturday were read and approved.

Mr. Hebb submitted the following order:

Ordered, That until the final vote on the Declaration of Rights shall have been taken, the Convention will hold two sessions daily, beginning at 10 o'clock, A. M., and 4½ o'clock P. M.

The question being on the adoption of the order,

Mr. Hebb demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows:

AFFIRMATIVE.

| | | |
|------------------|------------------|--------------------|
| Messrs. Abbott, | Hopkins, | Scott, |
| Annan, | Jones, of Cecil, | Smith, of Carroll, |
| Baker, | Keefer, | Smith, of Wor., |
| Cushing, | Kennard, | Sneary, |
| Davis, of Wash., | Mace, | Stirling, |
| Earle, | McComas, | Swope, |
| Ecker, | Mullikin, | Sykes, |
| Farrow, | Negley, | Thruston, |
| Galloway, | Parker, | Todd, |
| Greene, | Pugh, | Wickard, |
| Hebb, | Robinette, | Wooden—33. |

NEGATIVE.

| | | |
|--------------------|-----------------|-----------------|
| Messrs. Audoun, | Hatch, | Noble, |
| Barron, | Horsey, | Nyman, |
| Bond, | Jones, of Som., | Parran, |
| Chambers, | King, | Peter, |
| Cunningham, | Larsh, | Schlosser, |
| Dail, | Markey, | Smith, of Dor., |
| Davis, of Charles, | Mitchell, | Stockbridge, |
| Dennis, | Miller, | Valliant—26. |
| Duvall, | Morgan, | |

So the question upon its adoption was decided in the affirmative.

Mr. Hebb submitted the following order:

Ordered, That the use of the Hall be granted to Capt. A. R. Calhoun, to deliver a Lecture on "Life in Libby Prison," to-morrow evening.

Which was adopted.

The Order of the Day being the Report of the majority of the Committee on the Bill of Rights,

Was taken up.

The question being on the adoption of the amendment submitted by Mr. Briscoe, to the fourth Article of the Report to wit:

Strike out the word "paramount."

Mr. Audoun called the previous question,

The question being,

"Shall the main question be now put?"

Mr. Audoun demanded the yeas and nays,
 The demand being sustained,
 The yeas and nays were called and appeared as follows:

AFFIRMATIVE.

| | | |
|------------------|------------------|------------|
| Messrs. Abbott, | Hatch, | Noble, |
| Annan, | Hopkins, | Nyman, |
| Audoun, | Jones, of Cecil, | Robinette, |
| Baker, | McComas, | Sneary, |
| Davis, of Wash., | Mullikin, | Swope—16. |
| Ecker, | | |

NEGATIVE.

| | | |
|--------------------|-----------------|--------------------|
| Messrs. Barron, | Horsey, | Pugh, |
| Bond, | Jones, of Som., | Sands, |
| Brown, | Keefer, | Schlosser, |
| Chambers, | Kennard, | Scott, |
| Cunningham, | King, | Smith, of Carroll, |
| Cushing, | Larsh, | Smith, of Dor., |
| Dail, | Mace, | Smith, of Wor., |
| Davis, of Charles, | Markey, | Stirling, |
| Dennis, | Mitchell, | Stockbridge, |
| Duvall, | Miller, | Sykes, |
| Earle, | Morgan, | Thruston, |
| Farrow, | Negley, | Todd, |
| Galloway, | Parker, | Valliant, |
| Greene, | Parran, | Wickard, |
| Hebb, | Peter, | Wooden—45. |

So the call for the previous question was not sustained.

The Convention returned to the consideration of Mr. Briscoe's amendment.

After debate thereon,

On motion of Mr. Hebb,

At ten minutes past three o'clock, P. M., the Convention took a recess until 4½ o'clock, P. M.

EVENING SESSION.

The Convention re-assembled at 4½ o'clock, P. M.

All the members present except the following:

Messrs. Goldsborough, (President,) Audoun, Barron, Belt, Berry, of Baltimore county, Berry, of Prince George's, Billingsley, Blackiston, Briscoe, Brooks, Carter, Chambers, Crawford, Cunningham, Dail, Davis, of Charles, Dellinger, Dennis, Dent, Edelen, Gale, Hatch, Henkle, Hodson, Hoffman, Hollyday, Hopper, Horsey, Johnson, Jones, of Cecil, Lansdale, Larsh, Lee, Mace, Marbury, Markey, Mayhugh, Noble, Parker, Peter, Purnell, Ridgely, Russell, Schley, Smith, of Dorchester, Thomas, Thruston, Turner, Valliant, Wickard, Wilmer, Wooden—52.

There being no quorum present,

Mr. Greene moved a call of the Convention.

The roll was called and the following members answered to their names:

Messrs. Abbott, Annon, Baker, Bond, Brown, Cushing, Daniel, Davis, of Washington, Duvall, Earle, Ecker, Galloway, Greene, Harwood, Hebb, Hopkins, Keefer, Kennard, King, McComas, Mitchell, Miller, Morgan, Mullikin, Negley, Nyman, Pugh, Robinette, Sands, Schlosser, Scott, Smith, of Worcester, Sneary, Stirling, Stockbridge, Swope, Sykes, Todd—39.

There being no quorum present,

On motion of Mr. Stockbridge,

The Convention adjourned.

TUESDAY, June 14th, 1864.

The Convention met at 10 o'clock, A. M.

Prayer by the Rev. Mr. McNemar.

All the members present except the following :

Messrs. Berry, of Baltimore county, Crawford, Dail, Dent, Hollyday, Johnson, Mace, Mayhugh, Purnell, Russell, Thomas—11.

The proceedings of yesterday were read and approved.

Mr. Smith, of Carroll, submitted the following order :

Ordered, That Mr. Miller, of Anne Arundel county, and Mr. Daniel, of Baltimore city, have leave to submit the remainder of their speeches not delivered yesterday, to the Reporter, to be by him incorporated among the Debates of the Convention :

The question being upon the adoption of the order,

Mr. Barron demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called and appeared as follows:

AFFIRMATIVE.

| | | |
|------------------|-----------------|--------------------|
| Messrs. Barron, | Edelen, | Mitchell, |
| Belt, | Gale, | Morgan, |
| Berry, of P. G., | Harwood, | Parran, |
| Billingsley, | Henkle, | Peter, |
| Blackiston, | Hodson, | Ridgely, |
| Briscoe, | Horsey, | Smith, of Carroll, |
| Brown, | Jones, of Som., | Smith, of Dor., |
| Chambers, | Kennard, | Smith, of Wor., |
| Clarke, | Lansdale, | Stockbridge, |
| Cushing, | Larsh, | Swope, |
| Dennis, | Lee, | Turner, |
| Duvall, | Marbury, | Wilmer—37. |
| Earle, | | |

NEGATIVE.

| | | |
|-------------------|----------|------------|
| Messrs. | Hatch, | Parker, |
| Goldsborough P't, | Hebb, | Pugh, |
| Abbott, | Hoffman, | Robinette, |
| Annan, | Hopkins, | Sands, |

| | | |
|--------------------|------------------|------------|
| Andoun, | Hopper, | Schley, |
| Baker, | Jones, of Cecil, | Schlusser, |
| Brooks, | Keefer, | Scott, |
| Carter, | King, | Sneary, |
| Cunningham, | Markey, | Stirling, |
| Davis, of Charles, | McComas, | Sykes, |
| Davis, of Wash., | Mullikin, | Thruston, |
| Dellinger, | Murray, | Todd, |
| Ecker, | Negley, | Valliant, |
| Farrow, | Noble, | Wickard, |
| Galloway, | Nyman, | Wooden—45. |
| Greene, | | |

So the question upon its adoption was decided in the negative.

Mr. Stockbridge submitted the following order :

Ordered, That general debate on the 4th Article of the Declaration of Rights shall cease at half-past five o'clock to-day ; that the Chairman of the Committee that reported the same shall then be allowed for closing the discussion, such time as he may desire, not exceeding one hour and a quarter, immediately after which the vote shall be taken upon the pending amendment. Should any other amendments be offered, the person offering the same shall be allowed five minutes to explain the purpose and effect of his proposed amendment, and the vote shall then be taken thereon without further debate.

Mr. Chambers moved to lay the order on the table,

The question being on the adoption of the motion,

Mr. Marbury demanded the yeas and nays ;

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|--------------------|----------------|--------------------|
| Messrs. | Dennis, | Marbury, |
| Goldsborough, P't | Duvall, | Markey, |
| Belt, | Edelen, | Mitchell, |
| Berry, of P. Geo., | Gale, | Miller, |
| Billingsley, | Harwood, | Morgan, |
| Blackiston, | Henkle, | Parker, |
| Briscoe, | Hodson, | Parran, |
| Brooks, | Horsey, | Peter, |
| Brown, | Jones, of Som. | Smith, of Carroll, |
| Chambers, | King, | Smith, of Dor., |

Clarke,
Cunningham,
Davis, of Charles,

Lansdale,
Lee,

Sykes,
Wilmer—36.

NEGATIVE.

Messrs. Abbott,
Annan,
Audoun,
Baker,
Barron,
Carter,
Cushing,
Daniel,
Davis, of Wash.,
Dellinger,
Earle,
Ecker,
Farrow,
Galloway,
Greene,
Hatch,

Hebb,
Hoffman,
Hopkins,
Hopper,
Jones, of Cecil,
Keefer,
Kennard,
Larsh,
McComas,
Mullikin,
Murray,
Negley,
Noble,
Nyman,
Pugh,

Ridgely,
Robinette,
Schley,
Schlosser,
Scott,
Smith, of Wor.,
Sneary,
Stirling,
Stockbridge,
Swope,
Thruston,
Todd,
Valliant
Wickard,
Wooden—46.

So the question upon its adoption was decided in the negative.

The question recurring upon the adoption of the order,

Mr. Stirling submitted the following amendment:

Strike out the words "half past five o'clock this afternoon," and insert the words "twelve o'clock to-morrow."

Mr. Pugh submitted the following amendment:

Strike out the words "half past five o'clock this afternoon," and insert the words "half past five o'clock Thursday afternoon."

The question being on the adoption of the amendment submitted by Mr. Pugh,

It was decided in the affirmative.

Mr. Daniel submitted the following amendment:

Strike out the words "five and a half o'clock," and insert the words "one o'clock,"

Decided in the affirmative.

Mr. Baker moved to re-consider the vote last taken,

Decided in the negative.

The question then recurring upon the adoption of the order as amended, to wit :

“That debate on the 4th Article of the Declaration of Rights shall cease at one o’clock on Thursday next,” &c.

It was decided in the affirmative.

On motion of Mr. Smith, of Dorchester.

It was ordered to be entered on the Journal, that Alward Johnson, Esq., a member of this Convention is absent from his seat in consequence of sickness in his family.

The Order of the Day, being the Report of the majority of the Committee on the Bill of Rights,

Was taken up.

After debate upon the preceding amendment, to wit :

“Strike out the word “paramount,” in the 4th Article of the Report ;

Mr. Abbott, by general consent, submitted, the following order :

Ordered, That John T. Wright, be appointed temporary Sergeant-at-Arms.

Which was rejected.

Mr. Daniel submitted the following order :

Ordered, that any officer of this Convention hereafter absents himself without leave of the President first had and obtained except in case of sickness, shall be dismissed his place, and that the President of this Convention shall have the power to appoint a temporary Sergeant-at-Arms for such time as he may deem best.

Mr. Barron moved to lay the order on the table;

Decided in the affirmative.

On motion of Mr. Davis,

At forty-five minutes past two o’clock the Convention took a recess until half-past four o’clock.

EVENING SESSION.

The Convention re-assembled at 4½ o'clock, P. M.

All the members present except the following :

Messrs. Audoun, Barron, Berry, of Baltimore county, Billingsley, Bond, Briscoe, Brooks, Chambers, Clarke, Crawford, Dail, Davis, of Charles, Dennis, Dent, Edelen, Hatch, Henkle, Hodson, Hollyday, Johnson, Jones, of Cecil, King, Lansdale, Larsh, Mace, Markey, Mayhugh, Morgan, Noble, Parran, Peter, Pugh, Purnell, Ridgely, Russell, Smith, of Dorchester, Stockbridge, Swope, Thomas, Valliant, Wickard, Wilmer—42.

Mr. Scott submitted the following order :

Ordered, That the President be authorized to appoint a person to act as Sergeant-at-Arms, temporarily, who shall receive the pay of the present incumbent while acting in his place.

Mr. Harwood submitted the following amendment :

Strike out the words "the pay of the present incumbent, while acting in his place," and insert "five dollars per day."

The question being upon the adoption of the amendment,
It was decided in the negative.

The question recurring upon the adoption of the order,
It was decided in the affirmative.

The President appointed John T. Wright temporary Sergeant-at-Arms, in compliance with the above order.

The Convention then resumed the consideration of the Order of the Day, the report of the majority of the Committee on the Bill of Rights.

After debate thereon,

At five o'clock, Mr. Berry, of Prince George's, moved that the Convention adjourn ;

Decided in the negative.

Mr. Daniel moved to take up for consideration the report of the Committee on Future Amendments to the Constitution ;

Decided in the negative.

At five minutes past five o'clock, Mr. Duvall moved that the Convention do now adjourn ;

Decided in the negative.

Mr. Stirling moved that the further consideration of the report of the Committee on the Bill of Rights be postponed until to-morrow morning ;

Decided in the affirmative.

Mr. Abbott submitted the following order :

Ordered, That the President be authorized to direct the Sergeant-at-Arms to attend at the railroad station and at the steamboat landing in this city, whenever he may deem it proper, to prevent the departure from this city of any member or officer of the Convention, without permission being first obtained, as prescribed by the Rules and orders of this Convention.

Mr. Duvall moved to lay the order on the table,

The question being on the adoption of the motion,

Mr. Stirling demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|--------------------|-----------------|--------------------|
| Messrs. | Galloway, | Mitchell, |
| Berry, of P. Geo., | Greene, | Miller, |
| Blackiston, | Henkle, | Murray, |
| Bond, | Hoffman, | Parker, |
| Briscoe, | Hopkins, | Sands, |
| Chambers, | Hopper, | Schley, |
| Cunningham, | Horsey, | Schlosser, |
| Dellinger, | Jones, of Som., | Smith, of Carroll, |
| Duvall, | Kennard, | Smith, of Wor., |
| Earle, | Lansdale, | Sykes, |
| Edelen, | Lee, | Turner—34. |
| Gale, | Marbury, | |

NEGATIVE.

| | | |
|-------------------|------------------|------------|
| Messrs. | Daniel, | Negley, |
| Goldsborough, P't | Davis, of Wash., | Nyman, |
| Abbott, | Ecker, | Robinette, |
| Annan, | Farrow, | Scott, |

| | | |
|--------------|-----------|------------|
| Baker, | Hebb, | Sneary, |
| Belt, | Keefer, | Stirling, |
| Billingsley, | King, | Swope, |
| Brown, | McComas, | Todd, |
| Carter, | Mullikin, | Wooden—27. |
| Cushing, | | |

So the question upon its adoption was decided in the affirmative.

At twenty minutes past five o'clock, Mr. Bond moved the Convention do now adjourn,

The question being upon the adoption of the motion,

Mr. Sands demanded the yeas and nays:

The demand being sustained,

The yeas and nays were called and appeared as follows:

AFFIRMATIVE.

| | | |
|--------------------|-----------------|--------------|
| Messrs. | Duvall, | Lansdale, |
| Berry, of P. Geo., | Earle, | Lee, |
| Billingsley, | Edelen, | Marbury, |
| Blackiston, | Gale, | Mitchell, |
| Bond, | Greene, | Murray, |
| Briscoe, | Henkle, | Nyman, |
| Brown, | Jones, of Som., | Parker, |
| Chambers, | King, | Stirling—24. |
| Cunningham, | | |

NEGATIVE.

| | | |
|------------------|------------|--------------------|
| Messrs. | Galloway, | Sands, |
| Goldsbrough, P't | Hebb, | Schley, |
| Abbott, | Hoffman, | Schlosser, |
| Annan, | Hopkins, | Scott, |
| Baker, | Hopper, | Smith, of Carroll, |
| Belt, | Horsey, | Smith, of Wor. |
| Carter, | Keefer, | Sneary, |
| Cushing, | Kennard, | Swope, |
| Daniel, | McComas, | Sykes, |
| Davis, of Wash., | Miller, | Thruston, |
| Dellinger, | Mullikin, | Todd. |
| Ecker, | Negley, | Turner, |
| Farrow, | Robinette, | Wooden—38. |

So the question upon its adoption was decided in the negative.

Mr. Belt submitted the following order :

Ordered, That the Committee on the Legislative Department be requested to inquire into the expediency of incorporating a provision into the Constitution, requiring the Legislature to provide for the publication, after each regular session, of a new edition of the Maryland Code, which shall embrace all the changes, additions and alterations in its sections and provisions made at that session, so that the last edition of the Code shall always represent the exact state of the Law as it exists.

Which was adopted.

Mr. Schley moved to reconsider the vote by which an order was adopted at the morning's session, to terminate the debate on the fourth Article of the Bill of Rights on Thursday next.

The question being on the adoption of the motion,

Mr. Berry, of Prince George's, demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|------------------|------------|------------|
| Messrs. Abbott, | Hebb, | Sands, |
| Annan, | Hoffman, | Schley, |
| Baker, | Hopkins, | Schlosser, |
| Daniel, | Keefer, | Scott, |
| Davis, of Wash., | McComas, | Sneary, |
| Dellinger, | Mullikin, | Swope, |
| Ecker, | Negley, | Todd, |
| Galloway, | Nyman, | Wooden—26. |
| Greene, | Robinette, | |

NEGATIVE.

| | | |
|--------------------|-----------------|--------------------|
| Messrs. | Duvall, | Lee, |
| Goldsborough, Pt. | Earle, | Marbury, |
| Belt, | Edelen, | Mitchell, |
| Berry, of P. Geo., | Farrow, | Miller, |
| Billingsley, | Gale, | Murray, |
| Blackiston, | Henkle, | Parker, |
| Bond, | Hopper, | Smith, of Carroll, |
| Briscoe, | Horsey, | Smith, of Wor., |
| Brown, | Jones, of Som., | Stirling, |
| Carter, | Kennard, | Sykes, |
| Chambers, | King, | Turner—34. |
| Cunningham, | Lansdale, | |

So the question upon its adoption was decided in the negative.

On motion of Mr. Briscoe,

At thirty-five minutes past five o'clock, the Convention adjourned.

WEDNESDAY, June 15th, 1864.

The Convention met at 10 o'clock, A. M.

Prayer by the Rev. Mr. Davenport.

All the members present except the following :

Messrs. Belt, Berry, of Baltimore county, Clarke, Dail, Dennis, Dent, Harwood, Hatch, Hodson, Johnson, Mace, Mayhugh, Morgan, Peter, Pugh, Schlosser, Smith, of Dorchester, Stockbridge, Thomas, Wilmer—19.

The proceedings of yesterday were read and approved.

On motion of Mr. Keefer,

It was ordered to be entered on the Journal, that P. G. Schlosser, of Frederick county, is absent from his seat in this body on account of sickness in his family.

Mr. Schley, from the Committee on the Legislative Department, submitted the following report :

The Committee to whom was referred all matters relating to the Legislative Department, beg leave respectfully to make the following

R E P O R T :

ARTICLE 3.

Legislative Department.

Section 1. The Legislature shall consist of two distinct branches, a Senate and a House of Delegates, which shall be styled "The General Assembly of Maryland."

Sec. 2. The members of the House of Delegates shall be elected by the qualified voters of the Counties and City of Baltimore respectively, to serve for two years from the day of their election.

Sec. 3. The first election for Senators and Delegates, shall take place on the first Wednesday of November, eighteen hundred and sixty-four; and the elections for Delegates, and as nearly as practicable, for one half of the Senators, shall be held on the same day in every second year thereafter; and the election for Representatives from this State in the Congress of the United States, shall take place on the same day.

Sec. 4. Immediately after the Senate shall have convened, after the first election under this Constitution, the Senators shall be divided by lot, into two classes, as nearly equal in number as may be,—the Senators of the first class shall go out of office at the expiration of two years, and Senators shall be elected on the first Wednesday of November, eighteen hundred and sixty-six, for the term of four years to supply their places; so that, after the first election, one-half of the Senators may be chosen every second year. In case the number of Senators be hereafter increased, such classification of the additional Senators shall be made as to preserve, as nearly as may be, an equal number in each class.

Sec. 5. The General Assembly shall meet on the first Wednesday of January, eighteen hundred and sixty-five, and on the same day in every second year thereafter, and at no other time, unless convened by the Proclamation of the Governor.

Sec. 6. The General Assembly may continue their first session, after the adoption of this Constitution, as long as in the opinion of the two Houses the public interests may require it, but all subsequent regular sessions of the General Assembly shall be closed on the last Thursday of March next ensuing the time of their commencement, unless the same shall be closed at an earlier day by the agreement of the two Houses. And when the General Assembly shall be convened by Proclamation of the Governor, the session shall not continue longer than thirty days.

Sec. 7. No person shall be eligible as a Senator or Delegate who, at the time of his election, is not a citizen of the United States, and who has not resided at least three years next preceding the day of his election in this State, and the last year thereof in the County or City which he may be chosen to represent, if such County or City shall have been

so long established, and if not, then in the County from which, in whole or in part, the same may have been formed ; nor shall any person be eligible as a Senator unless he shall have attained the age of twenty-five years, nor as a Delegate unless he shall have attained the age of twenty-one years, at the time of his election.

Sec. 8. No member of Congress or person holding any civil or military office under the United States, shall be eligible as a Senator or Delegate ; and if any person shall, after his election as a Senator or Delegate, be elected to Congress, or be appointed to any office, civil or military under the government of the United States, his acceptance thereof shall vacate his seat.

Sec. 9. No minister or preacher of the Gospel of any denomination, or of any religious persuasion, society or sect, while he continues to serve as such ; and no person holding any civil office of profit, or profit and trust under this State, shall be eligible to the office of Senator or Delegate.

Sec. 10. Each House shall be judge of the qualifications and elections of its members, subject to the Laws of the State—appoint its own officers, determine the rules of its own proceedings, punish a member for disorderly or disrespectful behaviour, and with the consent of two-thirds of its whole number, expel a member ; but no member shall be expelled a second time for the same offence.

Sec. 11. A majority of the whole number of each House, shall constitute a quorum for the transaction of business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as each House may prescribe.

Sec. 12. The doors of each House and of Committees of the Whole shall be open, except when the business is such as ought to be kept secret.

Sec. 13. Each House shall keep a Journal of its Proceedings, and cause the same to be published. The yeas and nays of members on any question shall, at the call of any five of them, in the House of Delegates, or one in the Senate, be entered on the Journal.

Sec. 14. Neither House shall, without the consent of the other, adjourn for more than three days at any one time ; nor to any other place than that in which the House shall be sitting, without the concurrent vote of two-thirds of the members present.

Sec. 15. The style of all laws of this State shall be, "Be it enacted by the General Assembly of Maryland," and all laws shall be passed by original bill, and every law enacted by the General Assembly shall embrace but one subject, and that shall be described in the title, and no law or section of law shall be revived, amended or repealed by reference to its title or section only; and it shall be the duty of the General Assembly in amending any article or section of the Code of Laws of this State, to enact the same as the said article or section would read when amended; and whenever the General Assembly shall enact any Public General Law, not amendatory of any section or article in the said Code it shall be the duty of General Assembly to enact the same in articles and sections, in the same manner as the said Code is arranged, and to provide for the publication of all additions and alterations which may be made to the said Code.

Sec. 16. Any bill may originate in either House of the General Assembly, and be altered, amended or rejected by the other; but no bill shall originate in either House during the last three days of the session, or become a law, until it be read on three different days of the session in each House, unless three-fourths of the members of the House, where such bill is pending, shall so determine.

Sec. 17. No bill shall become a law, unless it be passed in each House by a majority of the whole number of members elected, and on its final passage, the ayes and noes be recorded.

Sec. 18. No money shall be drawn from the Treasury of the State, except in accordance with an appropriation made by law, and every such law shall distinctly specify the sum appropriated, and the object to which it shall be applied, provided that nothing herein contained shall prevent the General Assembly from placing a contingent fund at the disposal of the Executive, who shall report to the General Assembly at each session, the amount expended and the purposes to which it was applied; an accurate statement of the receipts and expenditures of the public money shall be attached to, and published with the laws, after each regular session of the General Assembly.

Sec. 19. No divorce shall be granted by the General Assembly.

Sec. 20. No debt shall hereafter be contracted by the General Assembly unless such debt shall be authorised by a law providing for the collection of an annual tax or taxes sufficient to pay the interest on such debt as it falls due, and also to

discharge the principal thereof within fifteen years from the time of contracting the same, and the taxes laid for this purpose, shall not be repealed or applied to any other object until the said debt and interest thereon, shall be fully discharged, and the amount of debts so contracted and remaining unpaid shall never exceed one hundred thousand dollars. The credit of the State shall not in any manner, be given or loaned to, or in aid of, any individual, association or corporation, nor shall the General Assembly have the power, in any mode to involve the State in the construction of works of internal improvement, or in any enterprise which shall involve the faith or credit of the State, or make any appropriations therefor, and they shall not use or appropriate the proceeds of the internal improvement companies, or of the State Tax now levied, or which may hereafter be levied, to pay off the public debt, to any other purpose, until the interest and debt are fully paid, or the sinking fund shall be equal to the amount of the outstanding debt; but the General Assembly may, without laying a tax, borrow an amount never to exceed fifty thousand dollars, to meet temporary deficiencies in the Treasury, and may contract debts to any amount that may be necessary for the defence of the State.

Sec. 21. No extra compensation shall be granted or allowed by the General Assembly to any public officer, agent, servant or contractor, after the services shall have been rendered or the contract entered into. Nor shall the salary or compensation of any public officer be increased or diminished, during his term of office.

Sec. 22. No Senator or Delegate, after qualifying as such, notwithstanding he may thereafter resign, shall, during the whole period of time for which he was elected, be eligible to any office which shall have been created, or the salary or profits of which shall have been increased during such term, or shall, during said term, hold any office, or receive the salary or profits of any office under the appointment of the Executive or General Assembly.

Sec. 23. Each House may punish by imprisonment, during the session of the General Assembly, any person not a member, for disrespectful or disorderly behavior in its presence, or for obstructing any of its proceedings, or any of its officers in the execution of their duties; provided such imprisonment shall not, at any one time, exceed ten days.

Sec. 24. The members of each House shall, in all cases, except treason, felony, or other criminal offence, be privileged from arrest during their attendance at the session of

the General Assembly, and in going to and returning from the same, allowing one day for every thirty-five miles such member may reside from the place at which the General Assembly is convened.

Sec. 25. No Senator or Delegate shall be liable, in any civil action or criminal prosecution whatever, for words spoke in debate.

Sec. 26. The House of Delegates may inquire, on the oath of witnesses, into all complaints, grievances and offences, as the grand inquest of the State, and may commit any person for any crime to the public jail, there to remain until discharged by due course of law; they may examine and pass all accounts of the State, relating either to the collection or expenditure of the revenue, and appoint auditors to state and adjust the same; they may call for all public or official papers and records, and send for persons whom they may judge necessary in the course of their inquiries concerning affairs relating to the public interest, and may direct all office bonds which shall be made payable to the State, to be sued for any breach of duty.

Sec. 27. In case of death, disqualification, resignation, refusal to act, expulsion or removal from the county or city for which he shall have been elected, of any person who shall have been chosen as a Delegate or Senator, or in case of a tie between two or more such qualified persons, a warrant of election shall be issued by the Speaker of the House of Delegates or President of the Senate, as the case may be, for the election of another person in his place, of which election not less than ten days notice shall be given, exclusive of the day of the publication of the notice and of the day of election; and in case of such resignation or refusal to act, being communicated in writing to the Governor by the person making it, or if such death occur during the legislative recess, and more than ten days before its termination, it shall be the duty of the Governor to issue a warrant of election to supply the vacancy thus created, in the same manner the said Speaker or President might have done during the session of the General Assembly; provided, however, that unless a meeting of the General Assembly may intervene, the election thus ordered to fill such vacancy shall be held on the day of the ensuing election for Delegates and Senators.

Sec. 28. The Senators and Delegates shall receive a per diem of five dollars, and such mileage as may be allowed by law, and the presiding officer of each House shall be allowed an addition of one dollar per day. No book or other printed

matter not appertaining to the business of the session, shall be purchased or subscribed for for the use of the members, or be distributed among them, at the public expense.

Sec. 29. No law passed by the General Assembly shall take effect until the first day of June next after the session at which it may be passed, unless it be otherwise expressly declared therein; and in case any public law is made to take effect before the said first day of June, the General Assembly shall provide for the immediate publication of the same.

Sec. 30. The General Assembly shall pass laws for the preservation of the purity of elections, by the registration of voters, or by such other means as may be deemed expedient, and to make effective the provisions of the Constitution disfranchising certain persons, or disqualifying them from holding office.

Sec. 31. Every bill, when passed by the General Assembly and sealed with the Great Seal, shall be presented to the Governor, who shall sign the same in the presence of the presiding officers and chief clerks of the Senate and House of Delegates. Every law shall be recorded in the office of the Court of Appeals, and in due time be printed, published and certified under the Great Seal to the several Courts, in the same manner as has been heretofore usual in this State.

Sec. 32. No collector, receiver or holder of public moneys shall be eligible as Senator or Delegate, or to any office of profit or trust under this State, until he shall have accounted for and paid into the Treasury all sums on the books thereof, charged to and due by him.

Sec. 33. Any citizen of this State who shall, after the adoption of this Constitution, either in or out of this State, fight a duel with deadly weapons, or send or accept a challenge so to do, or who shall act as a second, or knowingly aid or assist in any manner those thus offending, and any citizen who has thus offended, or who has so aided or assisted those thus offending since the first Wednesday of June eighteen hundred and fifty-one, shall ever thereafter be incapable of holding any office of trust or profit under this State.

Sec. 34. No lottery grant shall ever hereafter be authorized by the General Assembly.

Sec. 35. The General Assembly shall pass laws necessary to protect the property of the wife from the debts of the husband during her life, and for securing the same to her issue after her death.

Sec. 36. Laws shall be passed by the General Assembly to protect from execution, a reasonable amount of property of a debtor, not exceeding in value the sum of five hundred dollars.

Sec. 37. The General Assembly shall provide a simple and uniform system of charges in the offices of Clerks of Courts and Registers of Wills in the counties of this State and the city of Baltimore, and for the collection thereof; provided, the amount of compensation to any of said officers shall not exceed the sum of twenty-five hundred dollars a year, over and above office expenses, and compensation to assistants; and provided further, that such compensation of Clerks, Registers, assistants and office expenses, shall always be paid out of the fees or receipts of the offices respectively.

Sec. 38. The House of Delegates shall have the sole power of impeachment in all cases, but a majority of all the members must concur in an impeachment; all impeachments shall be tried by the Senate, and when sitting for that purpose, the Senators shall be on oath or affirmation to do justice according to the law and evidence, but no person shall be convicted without the concurrence of two-thirds of all the Senators.

Sec. 39. The General Assembly shall pass laws to sell, lease or otherwise dispose of the State's interest in the works of internal improvement, in which the State is either stockholder or creditor; and to appropriate the proceeds arising therefrom towards the payment of the public debt of the State; and after the public debt shall have been fully paid off, or the sinking fund shall be equal to its liquidation, to create out of said proceeds a permanent fund for the support of public education.

Sec. 40. The General Assembly shall pass no law, nor make any appropriation to compensate the masters or claimants of slaves emancipated from servitude by the adoption of this Constitution.

Sec. 41. No person shall be imprisoned for debt.

Sec. 42. The General Assembly shall grant no charter for banking purposes, or renew any banking corporation now in existence, except upon the condition that the stockholders shall be liable to the amount of their respective share or shares of stock in such banking institution subscribed for and not paid in, for all its debts and liabilities upon note, bill or otherwise. All banks shall be open to inspection of their books, papers and accounts under such regulations as may be prescribed by law.

Sec. 43. The General Assembly shall enact no law authorizing private property to be taken for public use, without just compensation, as agreed upon between the parties, or awarded by a jury, being first paid or tendered to the party entitled to such compensation.

Sec. 44. Corporations, other than for municipal purposes, may be formed and created under general provisions and regulations, to be prescribed by the General Assembly, and shall not be created by special act, except so far as special acts may be necessary to authorize any person or persons to exercise and enjoy such corporate rights, franchises and privileges. All laws and special acts pursuant to this section, may be altered from time to time, or repealed; provided, nothing herein contained shall be construed to alter, change or amend, in any manner, the article in relation to Banks.

Sec. 45. The General Assembly shall make provision for all cases of contested elections of any of the officers not herein provided for.

Sec. 46. The General Assembly shall pass laws, requiring the Presidents, Directors, Trustees or Agents of Corporations, created or authorised by the laws of this State; teachers or superintendents of the Public Schools, Colleges or other institutions of learning; Attorneys at Law, Jurors, and such other persons as the General Assembly shall from time to time prescribe, to take the oath of allegiance to the United States, set forth in the first Article in this Constitution.

Sec. 47. The General Assembly shall have power to accept the cession of any territory contiguous to this State from the States of Virginia and West Virginia, or from the United States, with the consent of Congress and of the inhabitants of such ceded territory; and in case of such cessions, the General Assembly may divide such territory into Counties, and shall provide for the representation of the same in the General Assembly, on the basis fixed by this Constitution, and may for that purpose increase the number of Senators and Delegates. And the General Assembly shall enact such laws as may be required to extend the Constitution and Laws of this State over such territory, and may create Courts conformably to the Constitution for such territory and may, for that purpose, increase the number of Judges of the Court of Appeals.

FREDERICK SCHLEY, Chairman.

Which was read the first time.

The Order of the Day, being the report of the majority of the Committee on the Bill of Rights,

Was taken up.

The question being on the amendment of Mr. Briscoe, to strike out the word "paramount," in the 4th section of the Report,

After debate thereon,

At forty-five minutes past one o'clock, the Convention took a recess until half-past four o'clock.

EVENING SESSION.

The Convention re-assembled at 4½ o'clock, P. M.

All the members present except the following:

Messrs. Audoun, Barron, Berry, of Baltimore county, Berry, of Prince George's, Bond, Brooks, Carter, Clarke, Crawford, Dail, Davis, of Charles, Dennis, Dent, Hatch, Henkle, Hodson, Hopkins, Johnson, Jones, of Cecil, Kennard, Larsh, Mace, Markey, Mayhugh, Morgan, Noble, Peter, Pugh, Ridgely, Schley, Schlosser, Smith, of Dorchester, Stockbridge, Thomas, Thruston, Wilmer—37.

Mr. Scott submitted the following order:

Ordered, That the use of this Hall be given to Captain Calhoun on Friday evening, for the purpose of delivering a lecture on the subject of prison life among the Rebels,

Which was adopted.

Mr. Wickard submitted the following order:

Ordered, That the various Standing Committees be requested to report on the subjects they may have under consideration, at as early a day as practicable,

Which was adopted.

The Convention resumed the consideration of the Report of the majority of the Committee on the Bill of Rights,

After debate thereon,

At fifteen minutes past five o'clock, Mr. Miller moved that the Convention do now adjourn,

Decided in the negative.

Mr. Daniel moved to postpone the further consideration of the Bill of Rights, until to-morrow morning,

Decided in the affirmative.

Mr. Daniel moved to take up for consideration the Report of the Committee on Further Amendments to the Constitution,

Decided in the negative.

On motion of Mr. Todd,

At half-past five o'clock, the Convention adjourned.

THURSDAY, June 16th, 1864.

The Convention met at 10 o'clock, A. M.

Prayer by the Rev. Mr. McNemar.

All the members present except the following :

Messrs. Audoun, Belt, Berry, of Baltimore county, Carter, Dent, Johnson, Mayhugh, Schlosser, Thruston—9.

The proceedings of yesterday were read and approved.

On motion of Mr. Greene,

It was ordered to be entered on the Journal, that George A. Thruston is absent from his seat in consequence of domestic affliction.

Mr. Wickard moved to reconsider the vote by which the Convention determined on Monday last to hold two sessions daily until the close of the debate on the report of the Committee on the Bill of Rights.

The question being on the adoption of the motion to reconsider,

Mr. Stirling demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows:

AFFIRMATIVE.

| | | |
|--------------------|------------------|--------------------|
| Messrs. Barron, | Gale, | Murray, |
| Berry, of P. G. | Hatch, | Nyman, |
| Billingsley, | Henkle, | Parran, |
| Blackiston, | Hollyday, | Peter, |
| Bond, | Hopkins, | Purnell, |
| Briscoe, | Hopper, | Ridgely, |
| Brooks, | Horsey, | Smith, of Carroll, |
| Brown, | Jones, of Cecil, | Smith, of Dor., |
| Chambers, | Jones, of Som. | Smith, of Wor., |
| Clarke, | Kennard, | Stockbridge, |
| Crawford, | Lansdale, | Swope, |
| Cunningham, | Larsh, | Sykes, |
| Dail, | Lee, | Thomas, |
| Daniel, | Mace, | Turner, |
| Davis, of Charles, | Marbury, | Valliant, |
| Dennis, | Markey, | Wickard, |
| Duvall, | Mitchell, | Wilmer, |
| Earle, | Miller, | Wooden—55. |
| Edelen, | Morgan, | |

NEGATIVE.

| | | |
|-------------------|-----------|------------|
| Messrs. | Galloway, | Parker, |
| Goldsborough, P't | Greene, | Pugh, |
| Abbott, | Hebb, | Robinette, |
| Annan, | Hoffman, | Russell, |
| Baker, | Keefer, | Sands, |
| Cushing, | King, | Schley, |
| Davis, of Wash., | McComas, | Scott, |
| Dellinger, | Mullikin, | Sneary, |
| Ecker, | Negley, | Stirling, |
| Farrow, | Noble, | Todd—30. |

So the question upon its adoption was decided in the affirmative.

The question recurring upon the adoption of the order to hold two sessions daily, &c.,

Mr. Hebb submitted the following amendment:

Strike out the words "four and a half o'clock" and insert the words "three o'clock."

Mr. Larsh moved to lay the amendment on the table.

The question being on the adoption of the motion to lay on the table,

Mr. Hebb demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|--------------------|--------------------|--------------------|
| Messrs. Barron, | Earle, | Mitchell, |
| Berry, of P. Geo., | Edelen, | Miller, |
| Billingsley, | Gale, | Morgan, |
| Blackiston, | Hatch, | Murray, |
| Bond, | Henkle, | Nyman, |
| Briscoe, | Hollyday, | Parker, |
| Brooks, | Hopper, | Parran, |
| Brown, | Horsey, | Peter, |
| Chambers, | Jones, of Cecil, | Ridgely, |
| Clarke, | Jones, of Somerset | Smith, of Carroll, |
| Crawford, | Kennard, | Smith, of Dor., |
| Cunningham, | Lansdale, | Stockbridge, |
| Dail, | Larsh, | Thomas, |
| Daniel, | Lee, | Turner, |
| Davis, of Charles, | Mace, | Valliant, |
| Dennis, | Marbury, | Wickard, |
| Duvall, | Markey, | Wilmer—51. |

NEGATIVE.

| | | |
|-------------------|------------|-----------------|
| Messrs. | Hebb, | Russell, |
| Goldsborough, P't | Hoffman, | Sands, |
| Abbott, | Hopkins, | Schley, |
| Annon, | Keefer, | Scott, |
| Baker, | King, | Smith, of Wor., |
| Cushing, | McComas, | Sneary, |
| Davis, of Wash., | Mullikin, | Stirling, |
| Dellinger, | Negley, | Swope, |
| Ecker, | Noble, | Sykes, |
| Farrow, | Pugh, | Todd, |
| Galloway, | Purnell, | Wooden—34. |
| Greene, | Robinette, | |

So the question upon its adoption was decided in the affirmative;

And the whole subject was laid on the table.

At half-past ten o'clock, Mr. Scott moved that the Convention do now adjourn.

Decided in the negative.

The Order of the Day, being the report of the majority of the Committee on the Bill of Rights,

Was taken up.

The question being on the adoption of the amendment submitted by Mr. Briscoe, to strike out the word "paramount," in the fourth article of the report,

Mr. Chambers gave notice that when the vote was taken upon the pending amendment, he would submit the following amendment:

Strike out all after the word "that," in the fourth article of the report, and insert the words, "the Constitution of the United States, and the laws made in pursuance thereof, and all treaties made under the authority of the United States, are the supreme law of the land, to which every citizen owes obedience, any thing in the Constitution or laws of this State to the contrary notwithstanding, and every citizen is equally bound to obey all orders or ordinances of those who, for the time being, administer the Government, so far as such ordinances shall be in conformity to the Constitution of the United States, and laws made pursuant thereto."

At three o'clock, Mr. Chambers moved that the Convention do now adjourn,

Decided in the negative.

The question recurring upon the adoption of the amendment submitted by Mr. Briscoe, to strike out the word "paramount," in the 4th section,

Mr. Miller demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called and appeared as follows:

AFFIRMATIVE.

| | | |
|-------------------|--------------------|-----------|
| Messrs. Belt, | Davis, of Charles, | Lansdale, |
| Berry, of P. Geo. | Dennis, | Lee, |
| Billingsley, | Duvall, | Marbury, |
| Blackiston, | Edelen, | Mitchell, |
| Bond, | Gale, | Miller, |
| Briscoe, | Harwood, | Morgan, |
| Brown, | Henkle, | Parran, |
| Chambers, | Hodson, | Peter, |

Clarke,
Crawford,
Dail,

Hollyday,
Horsey,
Jones, of Som.,

Smith, of Dor.
Wilmer—32.

NEGATIVE.

| | | |
|-------------------|------------------|--------------------|
| Messrs. | Hoffman, | Ridgely, |
| Goldsborough, P't | Hopkins, | Robinette, |
| Abbott, | Hopper, | Russell, |
| Annan, | Jones, of Cecil, | Sands, |
| Baker, | Keefer, | Schley, |
| Barron, | Kennard, | Scott, |
| Brooks, | King, | Smith, of Carroll, |
| Cunningham, | Larsh, | Smith, of Wor., |
| Cushing, | Mace, | Sneary, |
| Daniel, | Markey, | Stirling, |
| Davis, of Wash., | McComas, | Stockbridge, |
| Dellinger, | Mullikin, | Swope, |
| Earle, | Murray, | Sykes, |
| Ecker, | Negley, | Thomas, |
| Farrow, | Noble, | Todd, |
| Galloway, | Nyman, | Valliant, |
| Greene, | Parker, | Wickard, |
| Hatch, | Pugh, | Wooden—55. |
| Hebb, | Purnell, | |

So the question upon its adoption was decided in the negative.

Mr. Belt submitted the following amendment:

Strike out article 4 of the report.

Decided in the negative.

Mr. Chambers submitted the following amendment :

Article 4, strike out all after the word "that," in the first line, and insert the words : "The Constitution of the United States and the laws made in pursuance thereof, and all treaties made under the authority of the United States, are the supreme law of the land, to which every citizen owes obedience, anything in the Constitution or laws of this State to the contrary notwithstanding, and every citizen is equally bound to obey all orders or ordinances of those, who for the time being, administer the Government, so far as such orders or ordinances shall be in conformity to the Constitution of the United States and laws made pursuant thereto."

At ten minutes past three o'clock, Mr. Miller moved that the Convention do now adjourn.

Decided in the negative.

The question recurring upon the adoption of the amendment submitted by Mr. Chambers,

Mr. Jones, of Somerset, demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|--------------------|-----------------|
| Messrs. Belt, | Davis, of Charles, | Lee, |
| Berry, of P. Geo. | Dennis, | Marbury, |
| Billingsley, | Duvall, | Mitchell, |
| Blackiston, | Edelen, | Miller, |
| Bond, | Gale, | Morgan, |
| Briscoe, | Harwood, | Parran, |
| Brown, | Henkle, | Peter, |
| Chambers, | Hollyday, | Smith, of Dor., |
| Clarke, | Horsey, | Turner, |
| Crawford, | Jones, of Som. | Wilmer—32. |
| Dail, | Lansdale, | |

NEGATIVE.

| | | |
|-------------------|------------------|--------------------|
| Messrs. | Hoffman, | Ridgely, |
| Goldsborough, P't | Hopkins, | Robinette, |
| Abbott, | Hopper, | Russell, |
| Annan, | Jones, of Cecil, | Sands, |
| Baker, | Keefer, | Schley, |
| Barron, | Kennard, | Scott, |
| Brooks, | King, | Smith, of Carroll, |
| Cunningham, | Larsh, | Smith, of Wor., |
| Cushing, | Mace, | Sneary, |
| Daniel, | McComas, | Stirling, |
| Davis, of Wash., | Mullikin, | Stockbridge, |
| Dellinger, | Murray, | Swope, |
| Earle, | Negley, | Sykes, |
| Ecker, | Noble, | Thomas, |
| Farrow, | Nyman, | Todd, |
| Galloway, | Parker, | Valliant, |
| Hatch, | Pugh, | Wickard, |
| Hebb, | Purnell, | Wooden—53. |

So the question upon its adoption was decided in the negative.

Mr. Sands moved to reconsider the order adopted on Tuesday last, to wit: That debate on the 4th article of the Declaration of Rights shall cease at one o'clock on Thursday next, &c.

The question being on the adoption of the motion to reconsider,

Mr. Jones, of Somerset demanded the yeas and nays ;

The demand being sustained,

The yeas and nays were called, and appeared as follows:

AFFIRMATIVE.

| | | |
|-------------------|------------------|--------------------|
| Messrs. | Hebb, | Ridgely, |
| Goldsborough, P't | Hoffman, | Robinette, |
| Abbott, | Hopkins, | Russell, |
| Annan, | Hopper, | Sands, |
| Baker. | Jones, of Cecil, | Schley, |
| Barron, | Keefer, | Scott, |
| Brooks, | King, | Smith, of Carroll, |
| Cunningham, | Larsh, | Smith, of Wor. |
| Cushing, | McComas, | Sneary, |
| Daniel, | Mullikin, | Swope, |
| Davis, of Wash., | Murray, | Sykes, |
| Dellinger, | Negley, | Thomas, |
| Earle, | Noble, | Todd, |
| Ecker, | Nyman, | Valliant, |
| Farrow, | Parker, | Wickard, |
| Galloway, | Pugh, | Wooden—49. |
| Hatch, | Purnell, | |

NEGATIVE.

| | | |
|--------------------|-----------------|----------------|
| Messrs. Belt, | Duvall, | Marbury, |
| Berry, of P. Geo., | Edelen, | Mitchell, |
| Billingsley, | Gale, | Miller, |
| Blackiston, | Harwood, | Morgan, |
| Bond, | Henkle, | Parran, |
| Briscoe, | Hollyday, | Peter, |
| Brown, | Horsey, | Smith, of Dor. |
| Chambers, | Jones, of Som., | Stirling, |
| Clarke, | Kennard, | Stockbridge, |
| Crawford, | Lansdale, | Turner, |
| Dail, | Lee, | Wilmer—35. |
| Davis, of Charles, | Mace, | |

So the question upon its adoption was decided in the affirmative.

The question again recurring upon the adoption of the order to close the debate, &c.,

Mr. Hebb moved to lay the order on the table.

The question being on the adoption of the motion to lay on the table,

Mr. Miller demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|------------------|--------------------|
| Messrs. | Hoffman, | Ridgely, |
| Goldsborough, P't | Hopkins, | Robinette, |
| Abbott, | Hopper, | Russell, |
| Annan, | Jones, of Cecil, | Sands, |
| Baker, | Keefer, | Schley, |
| Barron, | Kennard, | Scott, |
| Brooks, | King, | Smith, of Carroll, |
| Cunningham, | Larsh, | Smith, of Wor., |
| Cushing, | Mace, | Sneary, |
| Daniel, | McComas, | Stirling, |
| Davis, of Wash., | Mullikin, | Swope, |
| Dellinger, | Murray, | Sykes, |
| Earle, | Negley, | Thomas, |
| Ecker, | Noble, | Todd, |
| Farrow, | Nyman, | Valliant, |
| Galloway, | Parker, | Wickard, |
| Hatch, | Pugh, | Wooden—52. |
| Hebb, | Purnell, | |

NEGATIVE.

| | | |
|--------------------|-----------------|-----------------|
| Messrs. Belt, | Dennis, | Marbury, |
| Berry, of P. Geo., | Duvall, | Mitchell, |
| Billingsley, | Edelen, | Miller, |
| Blackiston, | Gale, | Morgan, |
| Bond, | Harwood, | Parran, |
| Briscoe, | Henkle, | Peter, |
| Brown, | Hollyday, | Smith, of Dor., |
| Chambers, | Horsey, | Stockbridge, |
| Clarke, | Jones, of Som., | Turner, |
| Dail, | Lansdale, | Wilmer—32. |
| Davis, of Charles, | Lee, | |

So the question upon its adoption was decided in the affirmative.

Mr. Barron called the previous question,

The question being,

“Shall the main question be now put?”

It was decided in the affirmative.

At half-past three o'clock,

Mr. Davis moved that the Convention do now adjourn,

Decided in the negative.

The question then recurring upon the adoption of the 4th Article of the Report of the majority of the Committee on the Bill of Rights.

Mr. Berry, of Prince George's, demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|------------------|--------------------|
| Messrs. | Hoffman, | Ridgely, |
| Goldsborough, P't | Hopkins, | Robinette, |
| Abbott, | Hopper, | Russell, |
| Annan, | Jones, of Cecil, | Sands, |
| Baker, | Keefer, | Schley, |
| Barron, | Kennard, | Scott, |
| Brooks, | King, | Smith, of Carroll, |
| Cunningham, | Larsh, | Smith, of Wor., |
| Cushing, | Mace, | Sneary, |
| Daniel, | McComas, | Stirling, |
| Davis, of Wash., | Mullikin, | Stockbridge, |
| Dellinger, | Murray, | Swope, |
| Earle, | Negley, | Sykes, |
| Ecker, | Noble, | Thomas, |
| Farrow, | Nyman, | Todd, |
| Galloway, | Parker, | Valliant, |
| Hatch, | Pugh, | Wickard, |
| Hebb, | Purnell, | Wooden—53. |

NEGATIVE.

| | | |
|--------------------|--------------------|-----------------|
| Messrs. Belt, | Davis, of Charles, | Lee, |
| Berry, of P. Geo., | Dennis, | Marbury, |
| Billingsley, | Duvall, | Mitchell, |
| Blackiston, | Edelen, | Miller, |
| Bond, | Gale, | Morgan, |
| Briscoe, | Harwood, | Parran, |
| Brown, | Henkle, | Peter, |
| Chambers, | Hollyday, | Smith, of Dor., |
| Clarke, | Horsey, | Turner, |
| Crawford, | Jones, of Som. | Wilmer—32. |
| Dail, | Lansdale, | |

So the question upon its adoption was decided in the affirmative.

On motion of Mr. Valliant,

At forty minutes past three o'clock, the Convention adjourned.

FRIDAY, June 17th, 1864.

The Convention met at 10 o'clock, A. M.

Prayer by the Rev. Mr. McNemar.

All the members present except the following :

Messrs. Berry, of Baltimore county, Brooks, Daniel, Dent, Harwood, Henkle, Hodson, Johnson, Kennard, Markey, Mayhugh, Schlosser, Swope, Thomas, Thruston—15.

The proceedings of yesterday were read and approved.

On motion of Mr. Wooden,

It was ordered to be entered on the Journal, that Dr. John Swope, of Carroll county, is absent from his seat on account of illness in his family.

On motion of Mr. Todd,

Collins Tatman, (Folder,) was allowed leave of absence for a few days.

On motion of Mr. Audoun,

It was ordered to be entered on the Journal, that if Mr. Audoun had been present on Thursday, June 16, he would have voted against all amendments that were offered to the fourth Article of the Declaration of Rights, and that he would have voted for the article as reported by the Committee.

The Order of the Day, being the Report of the majority of the Committee on the Bill of Rights,

Was taken up.

The Convention proceeded with the consideration of the twenty-third Article of the Report.

Mr. Purnell moved a call of the Convention ;

The call being sustained,

The roll was call, and the following members responded:

Messrs. Goldsborough, (President,) Abbott, Annan, Audoun, Baker, Barron, Berry, of Prince George's, Blackiston, Bond, Briscoe, Brown, Chambers, Crawford, Cunningham, Cushing, Dail, Davis, of Charles, Dellinger, Dennis, Duvall, Earle, Ecker, Edelen, Farrow, Gale, Galloway, Hebb, Henkle, Hoffman, Hollyday, Hopkins, Hopper, Horsey, Jones, of Cecil, Jones, of Somerset, Keefer, Lansdale, Lee, Mace, Marbury, McComas, Mitchell, Miller, Morgan, Mullikin, Murray, Negley, Parker, Parran, Peter, Pugh, Purnell, Ridgely, Robinett, Russell, Sands, Scott, Smith, of Carroll, Smith, of Dorchester, Smith, of Worcester, Sneary, Stirling, Stockbridge, Sykes, Todd, Turner, Valliant, Wilmer, Wooden—69.

On motion of Mr. Hebb,

Further proceedings under the call were dispensed with.

At one o'clock, Mr. Henkle moved that the Convention do now adjourn;

The question being on the adoption of the motion to adjourn,

Mr. Hebb demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|--------------------|-----------------|-----------------|
| Messrs. | Duvall, | Marbury, |
| Berry, of P. G., | Edelen, | Mitchell, |
| Blackiston, | Gale, | Miller, |
| Bond, | Greene, | Morgan, |
| Briscoe, | Henkle, | Parran, |
| Brown, | Hollyday, | Peter, |
| Chambers, | Jones, of Som., | Smith, of Dor., |
| Crawford, | Lansdale, | Turner, |
| Davis, of Charles, | Lee, | Wilmer—27. |
| Dennis, | | |

NEGATIVE.

| | | |
|-------------------|------------------|--------------------|
| Messrs. | Hebb, | Ridgely, |
| Goldsborough P't, | Hoffman, | Robinette, |
| Abbott, | Hopkins, | Russell, |
| Annan, | Hopper, | Sands, |
| Audoun, | Horsey, | Schley, |
| Baker, | Jones, of Cecil, | Scott, |
| Barron, | Keefer, | Smith, of Carroll, |
| Carter, | King, | Smith, of Wor., |
| Cunningham, | Mace, | Sneary, |
| Cushing, | McComas, | Stirling, |
| Dail, | Mullikin, | Stockbridge, |
| Davis, of Wash., | Murray, | Sykes, |
| Dellinger, | Negley, | Todd, |
| Earle, | Noble, | Valliant, |
| Ecker, | Parker, | Wickard, |
| Farrow, | Pugh, | Wooden—49. |
| Galloway, | Purnell, | |

So the question upon its adoption was decided in the negative.

The Convention resumed the consideration of the Bill of Rights.

After debate thereon,

At fifteen minutes past two o'clock, Mr. Mace moved that the Convention do now adjourn,

Decided in the negative.

Mr. Ridgely moved that when the Convention adjourn, it stands adjourned until Monday next at 12 o'clock.

The question being on the adoption of the motion,

Mr. Ecker demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called and appeared as follows:

AFFIRMATIVE.

| | | |
|--------------------|-----------|-----------|
| Messrs. Belt, | Edelen, | Marbury, |
| Berry, of P. Geo., | Gale, | Mitchell, |
| Blackiston, | Hatch, | Miller, |
| Bond, | Henkle, | Morgan, |
| Briscoe, | Hollyday, | Parran, |
| Brown, | Hopkins, | Peter, |
| Chambers, | Horsey, | Ridgely, |

| | | |
|--------------------|------------------|-----------------|
| Clarke, | Jones, of Cecil, | Sands, |
| Crawford, | Jones, of Som., | Schley, |
| Dail, | Lansdale, | Smith, of Dor., |
| Davis, of Charles, | Larsh, | Todd, |
| Dennis, | Lee, | Turner, |
| Duvall, | Mace, | Wilmer—39. |

NEGATIVE.

| | | |
|-------------------|-----------|-----------------|
| Messrs. | Greene, | Pugh, |
| Goldsborough, P't | Hebb, | Purnell, |
| Abbott, | Hoffman, | Robinette, |
| Baker, | Hopper, | Russell, |
| Carter, | Keefer, | Scott, |
| Cunningham, | King, | Smith, of Wor., |
| Cushing, | McComas, | Sneary, |
| Davis, of Wash., | Mullikin, | Stirling, |
| Dellinger, | Murray, | Stockbridge, |
| Earle, | Negley, | Sykes, |
| Ecker, | Noble, | Valliant, |
| Farrow, | Nyman, | Wickard, |
| Galloway, | Parker, | Wooden—38. |

So the question upon its adoption was decided in the affirmative.

Messrs. Peter and Todd were excused from attending the sessions of the Convention for a few days.

On motion of Mr. King,

At thirty minutes past two o'clock, the Convention adjourned.

MONDAY, June 20th, 1864.

The Convention met at 12 o'clock, M.

Prayer by the Rev. Mr. Owen.

All the members present except the following:

Messrs. Brooks, Dail, Dellinger, Dennis, Dent, Gale, Greene, Johnson, Jones, of Cecil, Lansdale, Larsh, Mace,

Markey, Mayhugh, Mullikin, Negley, Noble, Peter, Ridgely, Schley, Schlosser, Smith, of Carroll, Swope, Thruston, Todd, Turner, Wilmer—27.

The proceedings of Friday were read and approved.

Mr. Hatch submitted the following order:

Ordered, That the Committee on the Judiciary be instructed to inquire into the expediency of inserting in the Constitution an article providing "that no officer of the Federal or State Government shall be held responsible for any act done by him under the authority of the Federal Government, provided said act is in conformity with such authority;"

Which was rejected.

On motion of Mr. Clarke, (seconded by Messrs. Chambers and Miller,)

The vote last taken was reconsidered.

The question recurring upon the adoption of the order,

It was decided in the affirmative.

Mr. Hollyday, from a minority of the Committee on the Legislative Department, submitted the following

REPORT:

The Undersigned, the minority of the Committee on the Legislative Department, respectfully beg leave to Report, that they dissent from the Report of the Majority of said Committee made to the Convention, in the following particulars, viz :

First—The undersigned recommend, instead of the 40th section of the Majority Report, the adoption of the following section, viz :—The General Assembly shall have power to pass such laws, and make such appropriations, as may be necessary to compensate owners of such slaves as shall be emancipated from servitude by the adoption of this Constitution.

The undersigned also differ with the majority, as to the propriety of adopting the 46th and 47th sections as reported, and they recommend that those sections be rejected.

Respectfully submitted,

GEO. J. HOLLYDAY,
W. H. GALE,
JOHN TURNER.

Which was read.

The Order of the Day, being the Report of the majority of the Committee on the Bill of Rights,

Was taken up.

The Convention resumed the consideration of the twenty-third Article of the Report.

Mr. Clarke submitted the following amendment:

Amend by striking out all after the word "that," in line 1st, and insert "from and after the first day of January 1865, there shall in this State be neither slavery nor involuntary servitude, except in punishment of crime, whereof the party shall have been duly convicted, and all persons held to service or labor as slaves are hereby declared free from and after the first day of January 1865; provided the Congress of the United States shall, before the first day of January 1865, make an appropriation to the State of Maryland, of not less than twenty millions of dollars, to aid the State of Maryland in providing compensation to the owners of slave property, and the Secretary of the Treasury of the United States shall certify to the Governor of this State that the said sum of money is subject to the draft of the Treasurer of the State of Maryland, to be disposed of by the Legislature of the State, to pay the owners of slaves for their slaves hereby declared free; and provided further, that unless Congress shall make the said appropriation as hereinbefore provided, this section shall be null and void, and it is hereby declared that it shall be of no effect whatever;"

Pending which,

On motion of Mr. Daniel,

At 3 o'clock, P. M., the Convention adjourned.

TUESDAY, June 21st, 1864.

The Convention met at 10 o'clock, A. M.

Prayer by the Rev. Mr. Patterson.

All the Members present except the following :

Messrs. Belt, Brooks, Clarke, Dail, Dellinger, Dent, Henkle, Lansdale, Mayhugh, Negley, Noble, Peter, Ridgely, Schley, Swope, Thomas, Thruston, Todd, Wilmer—19.

The proceedings of yesterday were read and approved.

The Order of the Day, being the Report of the majority of the Committee on the Bill of Rights,

Was taken up.

The question being on the amendment submitted by Mr. Clarke, to the 23d article of the report;

After debate thereon,

Mr. Abbott moved that the Convention take a recess until half-past four o'clock,

Mr. Stirling moved to amend by striking out "half-past four," and inserting "half-past seven;"

The question being on the adoption of the amendment submitted by Mr. Stirling,

Mr. Hebb demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|----------------------|-----------|--------------------|
| Messrs. | Galloway, | Purnell, |
| Goldsborough, Pt. | Greene, | Robinette, |
| Abbott, | Hebb, | Russell, |
| Annan, | Hoffman, | Sands, |
| Baker, | Hollyday, | Schlosser, |
| Berry, of Balt. co., | Hopkins, | Scott, |
| Brown, | Hopper, | Smith, of Carroll, |
| Carter, | Kennard, | Smith, of Wor., |
| Cunningham, | King, | Sneary, |
| Daniel, | McComas, | Stirling, |
| Davis, of Wash., | Mullikin, | Stockbridge, |

Earle,
Ecker,
Farrow,

Murray,
Parker,
Pugh,

Sykes,
Valliant,
Wooden—41.

NEGATIVE.

Messrs. Audoun,
Barron,
Berry, of P. Geo.,
Billingsley,
Blackiston,
Bond,
Briscoe,
Chambers,
Crawford,
Davis, of Charles,
Dennis,
Duvall,

Edelen,
Gale,
Harwood,
Hatch,
Hodson,
Horsey,
Johnson,
Jones, of Cecil,
Jones, of Som.,
Larsh,
Lee,

Mace,
Marbury,
Markey,
Mitchell,
Miller,
Morgan,
Nyman,
Parran,
Smith, of Dor.,
Turner,
Wickard—34.

So the question upon its adoption was decided in the affirmative.

And the Convention took a recess until half-past seven o'clock.

EVENING SESSION.

The Convention re-assembled at 7½ o'clock, P. M.

All the members present except the following :

Messrs. Audoun, Barron, Belt, Briscoe, Brooks, Clarke, Crawford, Dail, Davis, of Charles, Dellinger, Dennis, Dent, Hatch, Hodson, Horsey, Johnson, Jones, of Cecil, Jones, of Somerset, Keefer, Kennard, Lansdale, Larsh, Mace, Markey, Mayhugh, Negley, Noble, Peter, Ridgely, Smith, of Dorchester, Swope, Thomas, Thruston, Todd, Valliant, Wickard, Wilmer—37.

The Convention resumed the consideration of the Report of the Committee on the Bill of Rights.

The question being on the adoption of the amendment submitted by Mr. Clarke, to the 23d Article of the report ;

After debate thereon,

On motion of Mr. Henkle,

At fifteen minutes past nine o'clock, the Convention adjourned.

WEDNESDAY, June 22d, 1864.

The Convention met at 10 o'clock, A. M.

Prayer by the Rev. Mr. McNemar,

All the members present except the following :

Messrs. Belt, Brooks, Clarke, Dail, Daniel, Dellinger, Dent, Hatch, Jones, of Somerset, Kennard, Lansdale, Mace, Mayhugh, Noble, Peter, Swope, Todd, Wilmer—18.

The proceedings of yesterday were read and approved.

Mr. Scott submitted the following order :

Ordered, That immediately after its final action on the Declaration of Rights, the Convention adjourn till twelve o'clock on the sixth of July, and that until said adjournment the Convention hold evening sessions, commencing at eight o'clock, P. M.

Mr. Brown submitted the following amendment :

Strike out all after the word "ordered," and insert "That when the Convention adjourns to-morrow, it shall stand adjourned until the 6th day of July next, and that the per diem of the members and officers be suspended during said recess ;

The question being upon the adoption of the amendment,

Mr. Hebb moved to lay it on the table ;

Mr. Berry, of Prince George's, demanded the yeas and nays,

The demand being sustained,.

The yeas and nays were called and appeared as follows:

AFFIRMATIVE.

| | | |
|---------------------|-----------|--------------------|
| Messrs. | Galloway, | Robinette, |
| Goldsbrough, P't | Greene, | Russell, |
| Abbott, | Hebb, | Sands, |
| Annan, | Hoffman, | Schley, |
| Audoun, | Hopkins, | Schlosser, |
| Baker, | Hopper, | Smith, of Carroll, |
| Barron, | Keefer, | Sneary, |
| Berry, of Balt. co. | Markey, | Stirling, |
| Carter, | McComas, | Stockbridge, |
| Cunningham, | Mullikin, | Sykes, |
| Cushing, | Murray, | Thomas, |
| Daniel, | Negley, | Thruston, |
| Davis, of Wash., | Nyman, | Valliant, |
| Earle, | Parker, | Wickard, |
| Ecker, | Purnell, | Wooden—46. |
| Farrow, | Ridgely, | |

NEGATIVE.

| | | |
|--------------------|------------------|-----------------|
| Messrs. | Duvall, | Larsh, |
| Berry, of P. G. | Edelen, | Lee, |
| Billingsley, | Gale, | Marbury, |
| Blackiston, | Harwood, | Mitchell, |
| Bond, | Henkle, | Miller, |
| Briscoe, | Hodson, | Morgan, |
| Brown, | Hollyday, | Parran, |
| Chambers, | Horsey, | Scott, |
| Crawford, | Johnson, | Smith, of Dor., |
| Davis, of Charles, | Jones, of Cecil, | Smith, of Wor., |
| Dennis, | King, | Turner—32. |

So the whole subject was laid on the table.

On motion of Mr. Davis,

It was ordered to be entered on the Journal that the absence of H. W. Dellinger from his seat in the Convention, is caused by sickness.

Mr. Duvall submitted the following order:

Ordered, That the Judiciary Committee be instructed to inquire into the expediency of incorporating a provision in the Constitution requiring the Legislature at each regular Session, to provide for a codification, under their appropriate heads, all decisions of the Court of Appeals wherein the principles of common law have been recognized as the law of this State;

Which was adopted.

The Order of the Day, being the report of the majority of the Committee on the Bill of Rights,

Was taken up.

The question being on the adoption of the amendment submitted by Mr. Clarke, to the 23d Article of the Report,

Mr. Berry, of Prince George's, (by general consent,) withdrew the amendment.

Mr. Berry, of Prince George's, moved a call of the Convention ;

The call being sustained,

The roll was called, and the following gentlemen responded :

Messrs. Goldsborough, (President,) Abbott, Annan, Audoun, Baker, Barron, Berry, of Baltimore county, Berry, of Prince George's, Billingsley, Blackistone, Bond, Briscoe, Brown, Carter, Chambers, Crawford, Cunningham, Cushing, Daniel, Davis, of Charles, Davis, of Washington, Dennis, Duvall, Earle, Ecker, Edelen, Farrow, Gale, Galloway, Greene, Harwood, Hebb, Henkle, Hodson, Hoffman, Hollyday, Hopkins, Hopper, Horsey, Johnson, Jones, of Cecil, Keefer, King, Larsh, Lee, Marbury, Markey, McComas, Mitchell, Miller, Morgan, Mullikin, Murray, Negley, Nymman, Parker, Parran, Purnell, Ridgely, Robinette, Russell, Sands, Schley, Schlosser, Scott, Smith, of Carroll, Smith, of Dorchester, Smith, of Worcester, Sneary, Stirling, Stockbridge, Sykes, Thomas, Thruston, Turner, Valliant, Wickard, Wooden—78.

On motion of Sands,

Further proceedings under the call were dispensed with.

The Convention resumed the consideration of the 23d Article of the Bill of Rights.

After debate thereon,

At half-past two o'clock, Mr. Stirling moved that the Convention take a recess until this evening at eight o'clock ;

The question being on the adoption of the motion,

Mr. Hebb demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|-----------|--------------------|
| Messrs. | Hoffman, | Robinette, |
| Goldsborough, P't | Hopkins, | Russell, |
| Abbott, | Hopper, | Sands, |
| Annan, | Keefer, | Schley, |
| Baker, | King, | Schlosser, |
| Cunningham, | Markey, | Smith, of Carroll, |
| Daniel, | McComas, | Smith, of Wor., |
| Davis, of Wash. | Mullikin, | Sneary, |
| Earle, | Murray, | Stirling, |
| Ecker, | Negley, | Stockbridge, |
| Farrow, | Nyman, | Sykes, |
| Galloway, | Parker, | Valliant, |
| Greene, | Purnell, | Wooden—39. |
| Hebb, | | |

NEGATIVE.

| | | |
|---------------------|--------------------|----------------|
| Messrs. Audoun, | Davis, of Charles, | Larsh, |
| Berry, of Balt co., | Dennis, | Lee, |
| Berry, of P. G., | Duvall, | Marbury, |
| Billingsley, | Edelen, | Mitchell, |
| Blackiston, | Gale, | Miller, |
| Bond, | Harwood, | Morgan, |
| Briscoe, | Henkle, | Parran, |
| Brown, | Hollyday, | Ridgely, |
| Carter, | Horsey, | Smith, of or., |
| Chambers, | Johnson, | Turner, |
| Clarke, | Jones, of Cecil, | Wickard—34. |
| Crawford, | | |

So the Convention took a recess until 8 o'clock.

EVENING SESSION.

The Convention re-assembled at 8 o'clock, P. M.

All the members present except the following :

Messrs. Audoun, Barron, Belt, Brooks, Carter, Chambers, Crawford, Dail, Davis, of Charles, Dellinger, Dennis, Dent,

Gale, Hatch, Henkle, Hodson, Hoffman, Hopkins, Johnson, Jones, of Cecil, Jones, of Somerset, Kennard, Lansdale, Larsh, Mace, Mayhugh, Noble, Parran, Peter, Smith, of Dorchester, Swope, Thomas, Todd, Valliant, Wickard, Wilmer, Wooden.—37.

The Convention resumed the consideration of the Report submitted by Mr. Stirling, from the Committee on the Declaration of Rights ;

After debate thereon,

On motion of Mr. Stirling,

At fifteen minutes past 10 o'clock, the Convention adjourned.

THURSDAY, June 23, 1864.

The Convention met at 10 o'clock, A. M.

Prayer by the Rev. Mr. Patterson.

All the members present except the following :

Messrs. Belt, Brooks, Dail, Dellinger, Dennis, Dent, Edelen, Henkle, Hoffman, Jones, of Somerset, Lansdale, Mace, Mayhugh, Morgan, Noble, Swope, Todd, Valliant, Wilmer—19.

The proceedings of yesterday were read and approved.

On motion of Mr. Mulliken,

It was ordered to be entered on the Journal, that James Valliant of Talbot, is absent from his seat in this body on account of business in Baltimore as chairman of the Committee on Reporting and Printing.

On motion of Mr. Berry, of Prince George's,

Mr. Belt, was granted leave of absence until Saturday next.

Mr. Chambers moved to take from the table the order submitted yesterday in reference to adjournment ;

Decided in the affirmative.

The question then being on the amendment submitted by Mr. Brown, to the order submitted by Mr. Scott,

Mr. Berry, of Prince George's moved a division of the question,

Which was sustained.

The question then being on the adoption of the first clause of the amendment, to wit: that when the Convention adjourns to-morrow, it stands adjourned until the 6th day of July next.

Mr. Daniel demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|--------------------|------------------|----------------|
| Messrs. | Duvall, | Marbury, |
| Goldsborough, P't | Gale, | Mitchell, |
| Berry, of P. Geo., | Harwood, | Miller, |
| Billingsley, | Hodson, | Parran, |
| Blackiston, | Hollyday, | Peter, |
| Bond, | Hopkins, | Purnell, |
| Briscoe, | Horsey, | Ridgely, |
| Brown, | Johnson, | Smith, of Dor. |
| Chambers, | Jones, of Cecil, | Smith, of Wor. |
| Clarke, | King, | Thomas, |
| Crawford, | Larsh, | Turner—34. |
| Davis, of Charles, | Lee, | |

NEGATIVE.

| | | |
|------------------|-----------|--------------------|
| Messrs. Abbott, | Greene, | Robinette, |
| Annan, | Hatch, | Russell, |
| Audoun, | Hebb, | Sands, |
| Baker, | Hopper, | Schley, |
| Barron, | Keefer, | Schlosser, |
| Carter, | Kennard, | Scott, |
| Cunningham, | Markey, | Smith, of Carroll, |
| Cushing, | McComas, | Sneary, |
| Daniel, | Mullikin, | Stirling, |
| Davis, of Wash., | Murray, | Stockbridge, |
| Earle, | Negley, | Sykes, |

Ecker,
Farrow,
Galloway,

Nyman,
Parker,
Pugh,

Thruston,
Wickard,
Wooden—41.

So the question upon its adoption was decided in the negative.

The question then recurring upon the adoption of the latter clause of the Article,

On motion of Mr. Abbott,

The subject was laid on the table.

The Order of the Day being the Report of the majority of the Committee on the Bill of Rights,

Was taken up.

The Convention resumed the consideration of the twenty-third Article of the Report.

Mr. Brown submitted the following amendment:

Add to the 23d Article, the following: "and the Legislature shall make provision from the Treasury of the State for the comfortable support and maintenance of the helpless and paupers hereby emancipated;"

After debate thereon,

At five minutes past two o'clock, Mr. Chambers moved that the Convention do now adjourn,

The question being on the adoption of the motion to adjourn,

Mr. Sands demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows:

AFFIRMATIVE.

Messrs.
Goldsborough P't,
Audoun,
Barron,
Berry, of P. G.,
Billingsley,
Blackiston,
Bond,
Briscoe,

Crawford,
Davis, of Charles,
Duvall,
Earle,
Gale,
Harwood,
Hollyday,
Horsey,
Johnson,

Miller,
Nyman,
Parran,
Peter,
Pugh,
Purnell,
Ridgely,
Smith, of Dor.,
Stockbridge,

Brown,
Chambers,
Clarke,

King,
Lee,
Mitchell,

Thomas,
Turner—34.

NEGATIVE.

Messrs. Abbott,
Annan,
Baker,
Carter,
Cunningham,
Cushing,
Daniel,
Davis, of Wash.,
Ecker,
Farrow,
Galloway,
Greene,
Hatch,
Hebb,

Hopkins,
Hopper,
Jones, of Cecil,
Keefer,
Kennard,
Larsh,
Marbury,
Markey,
McComas,
Mullikin,
Murray,
Negley,
Parker,
Robinette,

Russell,
Sands,
Schley,
Schlosser,
Scott,
Smith, of Carroll,
Smith, of Wor.,
Sneary,
Stirling,
Sykes,
Thruston,
Wickard,
Wooden—41.

So the question upon its adoption was decided in the negative.

On motion of Mr. Thomas,

The Convention took a recess until 8 o'clock.

EVENING SESSION.

The Convention re-assembled at 8 o'clock, P. M.

All the members present except the following:

Messrs. Barron, Belt, Bond, Brooks, Clarke, Crawford, Dail, Davis, of Charles, Dellinger, Dennis, Gale, Hatch, Henkle, Hodson, Hoffman, Horsey, Johnson, Jones, of Cecil, Jones, of Somerset, Lansdale, Larsh, Mace, Markey, Mayhugh, Miller, Morgan, Noble, Ridgely, Smith, of Dorchester, Smith, of Worcester, Stirling, Swope, Todd, Valliant, Wickard, Wilmer—37.

Mr. Hebb submitted the following order:

Ordered, That debate on the 23d Article of the Bill of Rights shall be closed to-morrow at 2 o'clock, P. M., when the vote shall be taken on the pending amendment, and the Article under consideration;

Mr. Thomas submitted the following amendment:

Strike out the words "to-morrow," and insert the words "Saturday;"

The question being on the adoption of the amendment,

Mr. Sands demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|---------------------|-----------|------------|
| Messrs. | Duvall, | Negley, |
| Berry, of Balt. co. | Edelen, | Nyman, |
| Billingsley, | Hollyday, | Parker, |
| Blackiston, | Hopkins, | Parran, |
| Briscoe, | Keefer, | Peter, |
| Brown, | Lee, | Sands, |
| Carter, | Marbury, | Sykes, |
| Clarke, | Mitchell, | Thomas, |
| Cunningham, | Miller, | Turner—26. |

NEGATIVE.

| | | |
|-------------------|-----------|--------------------|
| Messrs. | Farrow, | Purnell, |
| Goldsborough, P't | Galloway, | Robinette, |
| Abbott, | Greene, | Russell, |
| Annan, | Hebb, | Schley, |
| Audoun, | Hopper, | Schlosser, |
| Baker, | Kennard, | Scott, |
| Cushing, | King, | Smith, of Carroll, |
| Daniel, | McComas, | Sneary, |
| Davis, of Wash., | Mullikin, | Stockbridge, |
| Earle, | Murray, | Thruston, |
| Ecker, | Pugh, | Wooden—32. |

So the question upon its adoption was decided in the negative.

The question then recurring upon the adoption of the order submitted by Mr. Hebb,

Mr. Davis demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|---------------------|-----------|--------------------|
| Messrs. | Farrow, | Pugh, |
| Goldsborough, P't | Galloway, | Purnell, |
| Abbott, | Greene, | Robinette, |
| Annan, | Harwood, | Russell, |
| Audoun, | Hebb, | Sands, |
| Baker, | Hopper, | Schley, |
| Berry, of Balt. co. | Keefer, | Schlosser, |
| Berry, of P. Geo., | Kennard, | Scott, |
| Cunningham, | King, | Smith, of Carroll, |
| Cushing, | Marbury, | Sneary, |
| Daniel, | McComas, | Stockbridge, |
| Davis, of Wash., | Mullikin, | Thomas, |
| Earle, | Murray, | Thruston, |
| Ecker, | Nyman, | Wooden—41. |

NEGATIVE.

| | | |
|----------------------|-----------|------------|
| Messrs. Billingsley, | Edelen, | Negley, |
| Blackiston, | Hollyday, | Parker, |
| Briscoe, | Hopkins, | Parran, |
| Brown, | Lee, | Peter, |
| Carter, | Mitchell, | Sykes, |
| Clarke, | Miller, | Turner—19. |
| Duvall, | | |

So the question upon its adoption was decided in the affirmative.

The Convention then resumed the consideration of the Report of the majority of the Committee on the Bill of Rights.

The question being on the amendment submitted by Mr. Brown, to the 23d Article of the Report ;

After debate thereon,

Mr. Kennard moved that when this Convention adjourns it adjourn to meet at nine o'clock to-morrow morning,

Decided in the affirmative.

On motion of Mr. Pugh,

He was granted leave of absence from the Convention.

On motion of Mr. Purnell,

At fifteen minutes past eleven o'clock, the Convention adjourned.

FRIDAY, June 24th, 1864.

The Convention met at 9 o'clock, A. M.

Prayer by the Rev. Mr. Owen.

All the members present except the following :

Messrs. Barron, Belt, Bond, Brooks, Dellinger, Dent, Henkle, Hodson, Hoffman, Jones, of Somerset, Mayhugh, Morgan, Noble, Pugh, Smith, of Worcester, Swope, Todd, Wilmer—18.

The proceedings of yesterday were read and approved.

Mr. Audoun submitted the following order :

Ordered, That the Committee on the Judiciary be and they are hereby requested to inquire into the expediency of authorizing the several Orphans' Courts of this State to ratify and confirm the sale of real estate, as fully as any Court of Equity could do, in all cases of intestacy where the personal estate is not sufficient to pay the debts of the intestate ; and also, in all cases where the sale of real estate belonging to wards under the care of the Orphans' Courts, may be deemed to be to the advantage of any such ward or wards.

Which was adopted.

It was ordered to be entered on the Journal, that R. W. Todd, of Caroline county, is absent from his seat in the Convention on account of sickness.

The Order of the Day, being the Report of the majority of the Committee on the Bill of Rights,

Was taken up.

The question being on the amendment submitted by Mr. Brown to the 23d Article of the Report.

Mr. Berry, of Prince George's, (seconded by Messrs. Marbury and Harwood,) moved a re-consideration of the order by which the Convention determined to take the vote on the pending question to-day at 2 o'clock ;

Decided in the negative.

The question again being on the adoption of the amendment submitted by Mr. Brown, to wit :

Add to the 23d Article the following : "And the Legisla-

ture shall make provision from the Treasury of the State for the comfortable support and maintenance of the helpless and paupers hereby emancipated ;”

Mr. Brown demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

| | | |
|---------------------|-----------|-----------------|
| Messrs. | Dail, | Lansdale, |
| Berry, of Balt. co. | Dennis, | Lee, |
| Berry, of P. Geo., | Duvall, | Marbury, |
| Billingsley, | Edelen, | Mitchell, |
| Blackiston, | Gale, | Miller, |
| Briscoe, | Harwood, | Parran, |
| Brown, | Hollyday, | Peter, |
| Chambers, | Horsey, | Smith, of Dor., |
| Clarke, | Johnson, | Turner—28. |
| Crawford, | | |

NEGATIVE.

| | | |
|--------------------|------------------|--------------------|
| Messrs. | Hatch, | Purnell, |
| Goldsborough, P't | Hebb, | Ridgely, |
| Abbott, | Hoffman, | Robinette, |
| Annan, | Hopkins, | Russell, |
| Audoun, | Hopper, | Sands, |
| Baker, | Jones, of Cecil, | Schley, |
| Barron, | Keefer, | Schlosser, |
| Carter, | Kennard, | Scott, |
| Cunningham, | King, | Smith, of Carroll, |
| Cushing, | Larsh, | Sneary, |
| Daniel, | Mace, | Stirling, |
| Davis, of Charles, | Markey, | Stockbridge, |
| Davis, of Wash., | McComas, | Sykes, |
| Earle, | Mullikin, | Thomas, |
| Ecker, | Murray, | Thruston, |
| Farrow, | Negley, | Valliant, |
| Galloway, | Nyman, | Wickard |
| Greene, | Parker, | Wooden—53. |

So the question upon its adoption was decided in the negative.

The question then recurring upon the adoption of the 23d Article of the report,

Mr. Hebb demanded the yeas and nays;

The demand being sustained,

The yeas and nays were called and appeared as follows:

AFFIRMATIVE.

| | | |
|---------------------|------------------|--------------------|
| Messrs. | Hatch, | Negley, |
| Goldsborough, P't | Hebb, | Ridgely, |
| Abbott, | Hoffman, | Robinette, |
| Annan, | Hopkins, | Russell, |
| Audoun, | Hopper, | Sands, |
| Baker, | Jones, of Cecil, | Schley, |
| Barron, | Keefer, | Schlosser, |
| Berry of Balt. co., | Kennard, | Scott, |
| Carter, | King, | Smith, of Carroll, |
| Cunningham, | Larsh, | Sneary, |
| Cushing, | Mace, | Stirling, |
| Daniel, | Markey, | Stockbridge, |
| Davis, of Wash., | McComas, | Sykes, |
| Earle, | Mullikin, | Thomas, |
| Ecker, | Murray, | Thruston, |
| Farrow, | Nyman, | Valliant, |
| Galloway, | Parker, | Wickard, |
| Greene, | Purnell, | Wooden—53. |

NEGATIVE.

| | | |
|-------------------|--------------------|-----------------|
| Messrs. | Davis, of Charles, | Lansdale, |
| Berry, of P. Geo. | Dennis, | Lee, |
| Billingsley, | Duvall, | Marbury, |
| Blackiston, | Edelen, | Mitchell, |
| Briscoe, | Gale, | Miller, |
| Brown, | Harwood, | Parran, |
| Chambers, | Hollyday, | Peter, |
| Clarke, | Horsey, | Smith, of Dor., |
| Crawford, | Johnson, | Turner—27. |
| Dail, | | |

So the question upon its adoption was decided in the affirmative.

Mr Scott (by general consent,) submitted the following order :

Ordered, That when the Convention adjourns to-day, it stand adjourned till 12 o'clock, M., on Wednesday, July 6th.

The question being on the adoption of the order,

Mr. Greene demanded the yeas and nays;

The demand being sustained,

The yeas and nays were called and appeared as follows:

AFFIRMATIVE.

| | | |
|---------------------|------------------|--------------------|
| Messrs. | Duvall, | Lee, |
| Goldsborough, P't | Edelen, | Mace, |
| Abbott, | Farrow, | Marbury, |
| Barron, | Gale, | Mitchell, |
| Berry, of Balt. co. | Harwood, | Miller, |
| Berry, of P. Geo., | Hatch, | Murray, |
| Billingsley, | Hollyday, | Parran, |
| Blackiston, | Hopkins, | Peter, |
| Briscoe, | Hopper, | Purnell, |
| Brown, | Horsey, | Ridgely, |
| Carter, | Johnson, | Scott, |
| Chambers, | Jones, of Cecil, | Smith, of Carroll, |
| Clarke, | Kennard, | Smith, of Dor., |
| Crawford, | King, | Sykes, |
| Dail, | Lausdale, | Thomas, |
| Davis, of Charles, | Larsh, | Turner—48. |
| Dennis, | | |

NEGATIVE.

| | | |
|------------------|------------|--------------|
| Messrs. Annan, | Hebb, | Sands, |
| Andoun, | Hoffman, | Schley, |
| Baker, | Keefer, | Schlosser, |
| Cunningham, | McComas, | Sneary, |
| Cushing, | Mullikin, | Stirling, |
| Daniel, | Negley, | Stockbridge, |
| Davis, of Wash., | Nyman, | Thruston, |
| Earle, | Parker, | Valliant, |
| Ecker, | Robinette, | Wickard, |
| Galloway, | Russell, | Wooden—31. |
| Greene, | | |

So the question upon its adoption was decided in the affirmative.

On motion of Mr. Miller,

The Convention adjourned.

WEDNESDAY, July 6th, 1864.

The Convention met at 12 o'clock, M.

Prayer by the Rev. Mr. McNemar.

All the members present except the following :

Messrs. Barron, Berry, of Baltimore county, Berry, of Prince George's, Billingsley, Blackiston, Briscoe, Crawford, Dail, Daniel, Davis, of Charles, Dellinger, Dennis, Dent, Duvall, Edelen, Farrow, Gale, Greene, Hatch, Henkle, Hodson, Hollyday, Hopper, Horsey, Johnson, Jones, of Somerset, King, Lee, Mace, Marbury, Markey, Mayhugh, Mitchell, Morgan, Negley, Nyman, Parran, Peter, Pugh, Purnell, Robinette, Schlosser, Scott, Smith, of Dorchester, Smith, of Worcester, Sneary, Swope, Thruston, Turner, Valliant, Wilmer—51.

There being no quorum present,

On motion of Mr. Cushing,

The Convention adjourned.

THURSDAY, July 7th, 1864.

The Convention met at 10 o'clock, A. M.

Prayer by the Rev. Mr. Owen.

All the members present except the following :

Messrs. Barron, Belt, Berry, of Baltimore county, Berry, of Prince George's, Billingsley, Blackiston, Crawford, Dail, Davis, of Charles, Dellinger, Dennis, Dent, Duvall, Farrow, Gale, Greene, Harwood, Henkle, Hodson, Hoffman, Horsey, Johnson, Jones, of Somerset, Kennard, King, Lee, Mace, Marbury, Markey, Mayhugh, Mitchell, Negley, Parran, Robinette, Smith, of Dorchester, Smith, of Worcester, Thruston, Turner, Valliant, Wilmer—43.

The proceedings of Friday, June 24th, and yesterday, were read and approved.

The qualification of John F. Dent, member elect from St. Mary's county, was presented, and the gentleman named appeared and took his seat.

On motion of Mr. Lansdale,

It was ordered to be entered on the Journal that Mr. Duvall, of Montgomery county, is detained from his seat in the Convention by sickness.

On motion of Mr. Stockbridge,

It was ordered to be entered on the Journal that the absence from his seat in the Convention of Mr. Kennard, of Baltimore city, is occasioned by a death in his family.

On motion of Mr. Bond,

It was ordered to be entered on the Journal that had Mr. Bond been present on Friday, the 24th ult., when the vote was taken on the 23rd Article of the Bill of Rights, he would have voted for the amendment offered to said Article by Mr. Brown, and that he would have voted against the said 23rd Article.

On motion of Mr. Brooks,

It was ordered to be entered on the Journal that had Mr. Brooks, of Baltimore city, been present on Friday, June 24th, he would have voted against the amendment offered by Mr. Brown, and in favor of the adoption of the 23rd Article of the Bill of Rights.

On motion of Mr. Belt,

It was ordered to be entered on the Journal that if Mr. Belt had been present on Friday, June 24th, he would have voted in the negative on the adoption of the 23rd Article of the Bill of Rights.

On motion of Mr. Pugh,

It was ordered to be entered on the Journal that had Mr. Pugh, of Cecil, been present on Friday, June 24th, he would have voted against the amendment of Mr. Brown to the 23rd Article of the Bill of Rights, and in favor of the adoption of the Article as reported by the Committee.

On motion of Mr. Todd,

It was ordered to be entered on the Journal, that had Mr.

Todd been present on Friday, June 24th, he would have voted against the amendment of Mr. Brown, to the 23d Article of the Bill of Rights, and in favor of the adoption of the Article as reported by the Committee.

On motion of Mr. Noble,

It was ordered to be entered on the Journal, that had Mr. Noble been present on Friday, June 24th, he would have voted against the amendment offered by Mr. Brown, to the 23d Article of the Bill of Rights, and in favor of the article as reported by the Committee.

Mr. Audoun submitted the following order :

Ordered, that the Committee on the Judiciary, be and they are hereby requested to inquire into the expediency of empowering the several Orphans' Courts of this State to authorize guardians and administrators to lease vacant lots belonging to deceased persons' estates and wards ;

Which was adopted.

Mr. Miller submitted the following order:

Ordered, that the Committee on the Judiciary be instructed to inquire into the expediency of inserting a provision in the Constitution requiring every case in the Court of Appeals to be decided by said court within three months after the same has been argued or submitted for decision.

Which was adopted.

Mr. Miller submitted the following order:

Ordered, That the Committee on Elections be instructed to inquire and report whether under the provision of the Convention Bill requiring the qualifications for a seat in this Convention to be the same as those required for a seat in the House of Delegates, or any other provision of said act, any person holding any civil or military office under the United States, or any minister or preacher of the gospel, or any person holding any civil office of profit or trust under this State, except Justices of the Peace and Senators or Delegates in the present Legislature, is entitled to a seat in this body.

Mr. Stirling moved to lay the order on the table.

Decided in the affirmative by yeas and nays as follows :

AFFIRMATIVE.

| | | |
|-------------------|--------|----------|
| Messrs. | Hatch, | Ridgely, |
| Goldsborough, P't | Hebb, | Russell, |

| | | |
|------------------|------------------|--------------------|
| Abbott, | Hopkins, | Sands, |
| Annan, | Hopper, | Schley, |
| Baker, | Jones, of Cecil, | Schlosser, |
| Brooks, | Keefer, | Scott, |
| Carter, | Larsh, | Smith, of Carroll, |
| Cunningham, | McComas, | Sneary, |
| Cushing, | Mullikin, | Stirling, |
| Daniel, | Murray, | Stockbridge, |
| Davis, of Wash., | Noble, | Swope, |
| Earle, | Nyman, | Sykes, |
| Ecker, | Pugh, | Wickard, |
| Galloway, | Purnell, | Wooden—41. |

NEGATIVE.

| | | |
|-----------------|-----------|------------|
| Messrs. Audoun, | Clarke, | Miller, |
| Belt, | Dent, | Morgan, |
| Bond, | Edelen, | Parker, |
| Briscoe, | Hollyday, | Peter, |
| Brown, | Lansdale, | Thomas—16. |
| Chambers, | | |

Mr. Abbott submitted the following order :

Ordered, That the time allowed each member for debate on any question before the Convention be limited to fifteen minutes ; that no extension of time be granted except by a vote of two-thirds of the members present.

Mr. Chambers moved to lay the order on the table ;

Decided in the negative, by yeas and nays as follows :

AFFIRMATIVE.

| | | |
|-------------------|-----------|------------|
| Messrs. | Brown, | Larsh, |
| Goldsborough, P't | Chambers, | Miller, |
| Audoun, | Clarke, | Morgan, |
| Belt, | Dent, | Parker, |
| Bond, | Edelen, | Peter, |
| Briscoe, | Hollyday, | Thomas—19. |
| Brooks, | Lansdale, | |

NEGATIVE.

| | | |
|-----------------|------------------|--------------------|
| Messrs. Abbott, | Hopkins, | Sands, |
| Annan, | Hopper, | Schley, |
| Baker, | Jones, of Cecil, | Schlosser, |
| Carter, | Keefer, | Scott, |
| Cunningham, | McComas, | Smith, of Carroll, |
| Cushing, | Mullikin, | Sneary, |
| Daniel, | Murray, | Stirling, |

| | | |
|------------------|----------|--------------|
| Davis, of Wash., | Noble, | Stockbridge, |
| Earle, | Nyman, | Swope, |
| Ecker, | Pugh, | Sykes, |
| Galloway, | Purnell, | Todd, |
| Hatch, | Ridgely, | Wickard, |
| Hebb, | Russell, | Wooden—39. |

On motion of Mr. Stockbridge,

The subject was divided.

The question being on the adoption of the first clause of the order, to wit: "That the time allowed each member for debate on any question before the Convention be limited to fifteen minutes."

Mr. Cunningham submitted the following amendment :

Amend by striking out 15 and insert 30.

Mr. Thomas submitted the following amendment to the amendment :

Add to the amendment the following words :

"Except on all questions connected with the discussion of the question of Representation and of State Compensation, upon which every member who desires to speak shall be allowed one hour to address the Convention ;"

The question being on the adoption of the amendment to the amendment,

It was decided in the negative, by yeas and nays as follows :

AFFIRMATIVE.

| | | |
|-------------------|-----------|--------------------|
| Messrs. | Carter, | Miller, |
| Goldsborough, P't | Chambers, | Morgan, |
| Audoun, | Clarke, | Nyman, |
| Belt, | Dent, | Parker, |
| Bond, | Edelen, | Smith, of Carroll, |
| Briscoe, | Hollyday, | Sykes, |
| Brooks, | Lansdale, | Thomas—22. |
| Brown, | Larsh, | |

NEGATIVE.

| | | |
|-----------------|------------------|------------|
| Messrs. Abbott, | Hopkins, | Russell, |
| Annan, | Hopper, | Schley, |
| Baker, | Jones, of Cecil, | Schlosser, |
| Cunningham. | Keefer, | Scott, |

| | | |
|------------------|-----------|--------------|
| Cushing, | McComas, | Sneary, |
| Daniel, | Mullikin, | Stirling, |
| Davis, of Wash., | Murray, | Stockbridge, |
| Earle, | Noble, | Swope, |
| Ecker, | Peter, | Todd, |
| Galloway, | Pugh, | Wickard, |
| Hatch, | Purnell, | Wooden—35. |
| Hebb, | Ridgely, | |

The question recurring upon the adoption of the amendment as amended,

It was adopted.

Mr. Belt submitted the following amendment:

Insert after the word "ordered," the words "That there shall be no debate on any question whatever;"

Decided in the negative, by yeas and nays as follows:

AFFIRMATIVE.

| | | |
|------------------|------------------|------------|
| Messrs. Abbott, | Earle, | Murray, |
| Annan, | Hatch, | Ridgely, |
| Belt, | Hebb, | Schley, |
| Bond, | Jones, of Cecil, | Scott, |
| Brown, | Keefer, | Sneary, |
| Clarke, | Lansdale, | Thomas, |
| Davis, of Wash., | Mullikin, | Wooden—21. |

NEGATIVE.

| | | |
|-------------------|-----------|--------------------|
| Messrs. | Edelen, | Peter, |
| Goldsborough, P't | Galloway, | Pugh, |
| Audoun, | Hollyday, | Purnell, |
| Baker, | Hopkins, | Russell, |
| Briscoe, | Hopper, | Schlosser, |
| Brooks, | Larsh, | Smith, of Carroll, |
| Carter, | McComas, | Stirling, |
| Chambers, | Miller, | Stockbridge, |
| Cunningham, | Morgan, | Swope, |
| Cushing, | Noble, | Sykes, |
| Daniel, | Nyman, | Todd, |
| Dent, | Parker, | Wickard—36. |
| Ecker, | | |

The first clause of the order, as amended, was then adopted.

The question then recurring upon the second clause of the

order, to wit: "that no extension of time be granted except by a vote of two-thirds of the members present,"

Mr. Cushing submitted the following amendment:

Strike out the words "two-thirds," and insert the words "a majority;"

Decided in the negative.

The question again recurring on the adoption of the second clause of the order,

It was decided in the affirmative, by yeas and nays as follows:

AFFIRMATIVE.

| | | |
|------------------|------------------|--------------------|
| Messrs. Abbott, | Hopkins, | Schley, |
| Annan, | Hopper, | Schlosser, |
| Baker, | Jones, of Cecil, | Scott, |
| Belt, | Keefer, | Smith, of Carroll, |
| Brown, | McComas, | Sneary, |
| Cunningham, | Mullikin, | Stirling, |
| Daniel, | Noble, | Stockbridge, |
| Davis, of Wash., | Nyman, | Swope, |
| Earle, | Parker, | Sykes, |
| Ecker, | Pugh, | Todd, |
| Galloway, | Ridgely, | Wickard, |
| Hatch, | Russell, | Wooden—38. |
| Hebb, | Sands, | |

NEGATIVE.

| | | |
|-------------------|-----------|------------|
| Messrs. | Chambers, | Larsh, |
| Goldsborough, P't | Clarke, | Miller, |
| Audoun, | Cushing, | Morgan, |
| Bond, | Dent, | Murray, |
| Briscoe, | Edelen, | Peter, |
| Brooks, | Hollyday, | Purnell, |
| Carter, | Lansdale, | Thomas—20. |

The Order of the Day, being the report of the majority of the Committee on the Bill of Rights,

Was then taken up.

The question being on the adoption of the amendment submitted by Mr. Abbott, to wit:

Article 1. Truths to be held as self evident are, that all men are created equally free; that they are endowed by their creator with certain unalienable rights, among which are life,

liberty, the enjoyment of the proceeds of their own labor, and the pursuit of happiness.

Mr. Stockbridge submitted the following amendment :

Art. 1. Amend by striking out as far as the word "that," in the first line, and insert "That we hold it to be self evident ;"

Decided in the affirmative.

The question recurring upon the adoption of the amendment as amended,

It was decided in the affirmative.

Mr. Briscoe submitted the following amendment :

Article 3. "That absolute arbitrary power over the lives, liberty and property of freemen, exists nowhere in a republic, not even in the largest majority;"

The question being on the adoption of the amendment,

Mr. Briscoe demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|---------------|-----------|-----------|
| Messrs. Belt, | Clarke, | Lansdale, |
| Bond, | Dent, | Miller, |
| Briscoe, | Edelen, | Morgan, |
| Brown, | Hollyday, | Peter—13. |
| Chambers, | | |

NEGATIVE.

| | | |
|-------------------|------------------|--------------|
| Messrs. | Hatch, | Ridgely, |
| Goldsborough, P't | Hebb, | Russell, |
| Abbott, | Hopkins, | Sands, |
| Annan, | Hopper, | Schley, |
| Audoun, | Jones, of Cecil, | Schlosser, |
| Baker, | Keefer, | Scott, |
| Brooks, | Larsh, | Sneary, |
| Carter, | McComas, | Stirling, |
| Cunningham, | Mullikin, | Stockbridge, |
| Cushing, | Murray, | Swope, |
| Daniel, | Noble, | Sykes, |
| Davis, of Wash., | Nyman, | Thomas, |
| Earle, | Parker, | Todd, |
| Ecker, | Pugh, | Wickard, |
| Galloway, | Purnell, | Wooden—44. |

So the question upon its adoption was decided in the negative.

The report was then ordered to be engrossed for a third reading.

Mr. Stirling moved to suspend the rules, in order to give the report a third reading.

Decided in the affirmative, by yeas and nays as follows:

AFFIRMATIVE.

| | | |
|------------------|------------------|--------------------|
| Messrs. Abbott, | Hopper, | Russell, |
| Annan, | Jones, of Cecil, | Sands, |
| Baker, | Keefer, | Schley, |
| Carter, | Larsh, | Schlosser, |
| Cunningham, | McComas, | Scott, |
| Cushing, | Mullikin, | Smith, of Carroll, |
| Daniel, | Murray, | Snearly, |
| Davis, of Wash., | Noble, | Stirling, |
| Earle, | Nyman, | Swope, |
| Ecker, | Parker, | Sykes, |
| Galloway, | Pugh, | Todd, |
| Hatch, | Purnell, | Wickard |
| Hebb, | Ridgely, | Wooden—40. |
| Hopkins, | | |

NEGATIVE.

| | | |
|-------------------|-----------|--------------|
| Messrs. | Brown, | Lansdale, |
| Goldsborough, P't | Chambers, | Miller, |
| Audoun, | Clarke, | Morgan, |
| Belt, | Dent, | Peter, |
| Bond, | Edelen, | Stockbridge, |
| Briscoe, | Hollyday, | Thomas—18. |
| Brooks, | | |

The report being on its third reading,

Mr. Briscoe submitted the following order:

Ordered, That the Bill of Rights as amended on its second reading, be printed and made the order of the day for Monday, at 1 o'clock, P. M.

Mr. Daniel submitted the following amendment:

Amend by adding "and that the final vote thereon shall be taken precisely at 2 o'clock, P. M."

Decided in the negative.

The question recurring upon the adoption of the order submitted by Mr. Briscoe,

Mr. Briscoe demanded the yeas and nays;

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|---------------|-----------|-----------|
| Messrs. Belt, | Clarke, | Lansdale, |
| Bond, | Dent, | Miller, |
| Briscoe, | Edelen, | Morgan, |
| Brown, | Harwood, | Peter—14. |
| Chambers, | Hollyday, | |

NEGATIVE.

| | | |
|-------------------|------------------|--------------------|
| Messrs. | Hatch, | Ridgely, |
| Goldsborough, P't | Hebb, | Russell, |
| Abbott, | Hopkins, | Sands, |
| Annan, | Hopper, | Schley, |
| Audoun, | Jones, of Cecil, | Schlosser, |
| Baker, | Keefer, | Scott, |
| Brooks, | Larsh, | Smith, of Carroll, |
| Carter, | McComas, | Sneary, |
| Cunningham, | Mullikin, | Stirling, |
| Cushing, | Murray, | Stockbridge, |
| Daniel, | Noble, | Swope, |
| Davis, of Wash., | Nyman, | Thomas, |
| Earle, | Parker, | Todd, |
| Ecker, | Pugh, | Wickard, |
| Galloway, | Purnell, | Wooden—43. |

So the question upon its adoption was decided in the negative.

The Report of the majority of the Committee on the Bill of Rights, as amended, was then read the third time and passed by yeas and nays as follows :

AFFIRMATIVE.

| | | |
|-------------------|------------------|--------------------|
| Messrs. | Hebb, | Russell, |
| Goldsborough, P't | Hopkins, | Sands, |
| Abbott, | Hopper, | Schley, |
| Annan, | Jones, of Cecil, | Schlosser, |
| Audoun, | Keefer, | Scott, |
| Baker, | Larsh, | Smith, of Carroll, |
| Brooks, | McComas, | Sneary, |
| Carter, | Mullikin, | Stirling, |

| | | |
|------------------|----------|--------------|
| Cunningham, | Murray, | Stockbridge, |
| Cushing, | Noble, | Swope, |
| Daniel, | Nyman, | Sykes, |
| Davis, of Wash., | Parker, | Thomas, |
| Earle, | Pugh, | Todd, |
| Ecker, | Purnell, | Wickard, |
| Galloway, | Ridgely, | Wooden—44. |
| Hatch, | | |

NEGATIVE.

| | | |
|---------------|-----------|-----------|
| Messrs. Belt, | Clarke, | Lansdale, |
| Bond, | Dent, | Miller, |
| Briscoe, | Edelen, | Morgan, |
| Brown, | Harwood, | Peter—14. |
| Chambers, | Hollyday, | |

On motion of Mr. Schley,

The Convention proceeded to the consideration of the Report of the Committee on the Legislative Department.

Mr. Stockbridge submitted the following amendment:

Sec. 3, line 2, strike out the words, "first Wednesday," and insert "Tuesday next after the first Monday in the month."

Decided in the affirmative.

Mr. Clarke submitted the following amendment:

Section 3, amend by striking out all after the word "thereafter," in line 5.

Decided in the affirmative.

Mr. Abbott submitted the following amendment:

After the word "thereafter," in the 5th line, insert "and the Legislature shall fix the time for electing representatives from this State in the Congress of the United States."

Decided in the negative.

Mr. Miller moved to reconsider the vote by which the second section of the report was adopted.

The question being on the adoption of the motion to reconsider.

Mr. Stirling demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-----------------|-----------|-------------|
| Messrs. Abbott, | Dent, | Morgan, |
| Belt, | Edelen, | Peter, |
| Bond, | Hollyday, | Ridgely, |
| Briscoe, | Hopper, | Swope, |
| Brown, | Lansdale, | Thomas, |
| Chambers, | Larsh, | Wickard—20. |
| Clarke, | Miller, | |

NEGATIVE.

| | | |
|-------------------|------------------|--------------------|
| Messrs. | Hatch, | Russell, |
| Goldsborough, P't | Hebb, | Sands, |
| Annan, | Hopkins, | Schley, |
| Baker, | Jones, of Cecil, | Scott, |
| Carter, | Keefer, | Smith, of Carroll, |
| Cunningham, | McComas, | Sneary, |
| Cushing, | Mullikin, | Stirling, |
| Daniel, | Murray, | Stockbridge, |
| Davis, of Wash., | Noble, | Sykes, |
| Earle, | Parker, | Todd, |
| Ecker, | Pugh, | Wooden—34. |
| Galloway, | Purnell, | |

So the question upon its adoption was decided in the negative.

On motion of Mr. Stockbridge,

The consideration of the fourth section was informally passed over.

Mr. Thomas submitted the following amendment :

Section 5, strike out "in every second year," in the 3rd line and insert "annually."

The question being on the adoption of the amendment,

Mr. Miller demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|------------------|-----------|--------------|
| Messrs. Abbott, | Dent, | Scott, |
| Audoun, | Earle, | Sneary, |
| Baker, | Harwood, | Stockbridge, |
| Bond, | Hopper, | Sykes, |
| Brooks, | Lansdale, | Wickard—17. |
| Davis, of Wash., | Morgan, | |

NEGATIVE.

| | | |
|-------------------|------------------|--------------------|
| Messrs. | Hatch, | Peter, |
| Goldsborough, P't | Hebb, | Pugh, |
| Annan, | Hollyday, | Purnell, |
| Belt, | Hopkins, | Ridgely, |
| Briscoe, | Jones, of Cecil, | Russell, |
| Brown, | Keefer, | Sands, |
| Chambers, | Larsh, | Schley, |
| Clarke, | McComas, | Smith, of Carroll, |
| Cunningham, | Miller, | Stirling, |
| Cushing, | Mullikin, | Swope, |
| Daniel, | Murray, | Thomas, |
| Ecker, | Noble, | Todd, |
| Edelen, | Nyman, | Wooden—40. |
| Galloway, | Parker, | |

So the question upon its adoption was decided in the negative.

On motion of Mr. Daniel,
The Convention adjourned.

FRIDAY, July 8th, 1864.

The Convention met at 10 o'clock, A. M.

Prayer by the Rev. Mr. McNemar,

All the members present except the following :

Messrs. Berry, of Baltimore county, Berry, of Prince George's, Billingsley, Blackiston, Crawford, Dail, Davis, of Charles, Dennis, Duvall, Farrow, Gale, Green, Harwood, Henkle, Hodson, Johnson, Jones, of Somerset, Kennard, King, Lee, Mace, Marbury, Markey, Mayhugh, Mitchell, Negley, Parran, Robinette, Smith, of Worcester, Thruston, Turner, Valliant—31.

The proceedings of yesterday were read and approved.

On motion of Mr. Morgan,

It was ordered to be entered on the Journal that if Geo. W. Morgan, who was absent from the Convention on account of sickness, on the 24th of June, when the vote was taken on the amendment of Mr. Brown to the 23d Article to the Bill of Rights, had been present he would have voted for the amendment, but that he would have voted against the said Article.

On motion of Mr. Barron,

It was ordered to be entered on the Journal, that had John Barron, of Baltimore, been present on yesterday, he would have voted in favor of the adoption of the Declaration of Rights, as adopted by this Convention.

On motion of Mr. Wilmer,

It was ordered to be entered on the Journal, that had Mr. Wilmer been present on Friday, June 24th, he would have voted in favor of the amendment submitted by Mr. Brown, to the 23d Article of the Bill of Rights, and against the adoption of said Article.

On motion of Mr. Dellinger,

It was ordered to be entered on the Journal, that if Mr. Dellinger, had not been detained from his seat on the 24th ultimo by sickness, when the vote was taken on the 23rd Article of the Bill of Rights, he would have voted in the affirmative.

Mr. Chambers submitted the following order :

Ordered, That the Committee on Elections be requested to report at as early a day as practicable.

The question being on the adoption of the order,

Mr. Stockbridge called the previous question,

The question being,

“Shall the main question be now put?”

It was decided in the affirmative.

The question recurring upon the adoption of the order,

Mr. Miller demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|------------------|--------------------|
| Messrs. | Earle, | Noble, |
| Goldsborough, P't | Edelen, | Nyman, |
| Annan, | Galloway, | Parker, |
| Audoun, | Hatch, | Peter, |
| Barron, | Hoffman, | Purnell, |
| Belt, | Hollyday, | Ridgely, |
| Bond, | Hopkins, | Russell, |
| Briscoe, | Hopper, | Scott, |
| Brooks, | Horsey, | Smith, of Carroll, |
| Carter, | Jones, of Cecil, | Smith, of Dor., |
| Chambers, | Keefer, | Sneary, |
| Clarke, | Lansdale, | Swope, |
| Cunningham, | McComas, | Thomas, |
| Daniel, | Miller, | Todd, |
| Davis, of Wash., | Morgan, | Wickard, |
| Dent, | Murray, | Wilmer—47. |

NEGATIVE.

| | | |
|-----------------|-----------|--------------|
| Messrs. Abbott, | Hebb, | Schlosser, |
| Baker, | Larsh, | Stirling, |
| Cushing, | Mullikin, | Stockbridge, |
| Dellinger, | Pugh, | Sykes, |
| Ecker, | Schley, | Wooden—15. |

So the question upon its adoption was decided in the affirmative.

Mr. Cushing submitted the following order:

Ordered, That the Committee on Elections be ordered to report that all members holding seats in this Convention were duly elected.

The question being on the adoption of the order,

Mr. Stirling called the previous question ;

The question being

“Shall the main question be now put?”

It was decided in the affirmative.

The question recurring upon the adoption of the order,

Mr. Chambers demanded the yeas and nays;

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

| | | |
|-----------------|----------|-----------|
| Messrs. Abbott, | Ecker, | Mullikin, |
| Annan, | Hebb, | Murray, |
| Audoun, | Hopkins, | Schley, |
| Baker, | Keefer, | Stirling, |
| Barron, | Larsh, | Sykes—17. |
| Cushing, | McComas, | |

NEGATIVE.

| | | |
|-------------------|------------------|--------------------|
| Messrs. | Edelen, | Pugh, |
| Goldsborough, P't | Galloway, | Purnell, |
| Belt, | Hatch, | Ridgely, |
| Bond, | Hoffman, | Russell, |
| Briscoe,, | Hollyday, | Schlosser, |
| Brooks, | Hopper, | Scott, |
| Brown, | Horsey, | Smith, of Carroll, |
| Carter, | Jones, of Cecil, | Smith, of Dor., |
| Chambers, | Lansdale, | Sneary, |
| Clarke, | Mitchell, | Stockbridge, |
| Cunningham, | Miller, | Swope, |
| Daniel, | Morgan, | Thomas, |
| Davis, of Wash., | Noble, | Todd, |
| Dellinger, | Nyman, | Wickard, |
| Dent, | Parker, | Wilmer, |
| Earle, | Peter, | Wooden—47. |

So the question upon its adoption was decided in the negative.

Mr. Wickard submitted the following order:

Ordered, That the different Standing Committees having important business under consideration for the action of this Convention, who have not yet reported, be allowed until Monday next to report thereon ;

On motion of Mr. Hebb,

The order was laid on the table.

Mr. Hebb moved to suspend the rules in order to take up the unfinished business,

Decided in the negative.

Mr. Clarke submitted the following order :

Ordered, That the Treasurer be requested to furnish this Convention as soon as possible with the information asked for under an order adopted June 1st, 1864;

On motion of Mr. Clarke,

The consideration of the order was passed over informally.

The unfinished business being the report of the Committee on the Legislative Department,

Was taken up.

Mr. Schley moved to take up for consideration the 4th section of the report, which had been informally passed over;

Decided in the affirmative.

Mr. Schley submitted the following amendment :

Section 4, line 5, amend by striking out the words "first Wednesday," and insert "Tuesday next after the first Monday in the month;"

The question upon its adoption was decided in the affirmative.

Mr. Ridgely submitted the following amendment:

Section 6, strike out the section as far as the word "when" in line 7 and insert, "the General Assembly shall continue its session so long as in its judgment the public interest may require, and each member thereof shall receive a compensation of five dollars per diem, for every day he shall attend the sessions, unless absent on account of sickness; provided however, that no member shall receive any other or larger sum than four hundred dollars;

The question being on the adoption of the amendment,

Mr. Hebb demanded the yeas and nays;

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

| | | |
|------------------|------------------|-----------------|
| Messrs. | Hoffman, | Purnell, |
| Goldsbrough, P't | Hopkins, | Ridgely, |
| Abbott, | Hopper, | Sands, |
| Annan, | Horsey, | Schlosser, |
| Audoun, | Jones, of Cecil, | Scott, |
| Barron, | Keefer, | Smith, of Dor., |
| Bond, | Larsh, | Stirling, |
| Brooks, | McComas, | Stockbridge, |
| Carter, | Miller, | Sykes, |
| Chambers, | Mullikin, | Thomas, |
| Cunningham, | Murray, | Todd, |

Daniel,
Hatch,
Hebb,

Noble,
Parker,
Peter,

Wickard,
Wilmer—40.

NEGATIVE.

Messrs. Baker,
Briscoe,
Brown,
Clarke,
Cushing,
Davis, of Wash.,
Dellinger,
Dent,

Earle,
Ecker,
Edelen,
Galloway,
Hollyday,
Lansdale,
Mitchell,
Morgan,

Nyman,
Pugh,
Russell,
Schley,
Smith, of Carroll,
Sneary,
Swope,
Wooden—24.

So the question upon its adoption was decided in the affirmative.

Mr. Ridgely submitted the following amendment:

Section 6, add at the end of the section, the following: "and in such case the compensation shall be at the rate of five dollars per diem;"

Decided in the affirmative.

On motion of Mr. Schley,

The 28th section of the report was taken up.

Mr. Schley submitted the following amendment:

Section 28, strike out the section as far as the word "no" in the 6th line;

Decided in the affirmative.

Mr. Hebb submitted the following amendment:

Add the remaining words of section 28 to section 6;

Decided in the negative.

Mr. Schley submitted the following amendment:

Sec. 28. Add in line six, after the word "member," the words "of the General Assembly;"

Decided in the affirmative.

Mr. Miller submitted the following amendment:

Section 7, line seven, after the word "county," insert the words "or city;"

Decided in the negative.

Mr. Miller submitted the following amendment :

Section 7, line five, strike out the words "or city;"

Decided in the negative.

Mr. Clarke submitted the following amendment:

Section 8. Amend by striking out all after the word "Delegate," in line three, and insert: "And no person shall, after his election and qualification as Senator or Delegate, and during his term of office, be elected to Congress or to any office in the gift of the General Assembly, or accept any office, civil or military, under the Government of the United States ;"

Decided in the negative.

Mr. Peter submitted the following amendment :

Section 8. Insert after the word "office," in 5th line, "and shall not decline or refuse to fill such office, civil or military, within ten days after his election or appointment, then his seat as a Senator or Delegate shall be vacated ;"

Decided in the negative.

Mr. Ridgely submitted the following amendment :

Section 8, strike out all after the word "delegate," in the third line ,

Decided in the negative.

Mr. Stockbridge submitted the following amendment:

Section 8, strike out the words "civil or," in line one ;

Decided in the negative.

Mr. Daniel submitted the following amendment :

Section 9, strike out all between the word "no," in the first line, to the word "person," in the third line.

Pending the consideration of which,

Mr. Barron moved that when the Convention adjourns to-day, it stands adjourned until Monday next at 12 o'clock.

Decided in the negative by yeas and nays as follows :

AFFIRMATIVE.

Messrs. Audoun,
Barron,
Belt,

Chambers,
Clarke,
Dent,

Miller,
Morgan,
Ridgely,

Bond,
Briscoe,
Brooks,

Edelen,
Johnson,
Lansdale,

Smith, of 11 or.,
Thomas—17.

NEGATIVE.

Messrs.

Goldsborough, P't
Abbott,
Annan,
Baker,
Brown,
Cunningham,
Cushing,
Daniel,
Davis, of Wash.
Dellinger,
Earle,
Ecker,
Galloway,
Hatch,

Hebb,
Hoffman,
Hollyday,
Hopkins,
Hopper,
Keefer,
Larsh,
McComas,
Mullikin,
Murray,
Noble,
Nyman,
Parker,
Pugh,
Purnell,

Russell,
Schley,
Schlosser,
Scott,
Smith, of Carroll,
Sneary,
Stirling,
Stockbridge,
Swope,
Sykes,
Todd,
Wickard,
Wilmer,
Wooden—43.

Messrs. Peter and Sands were excused from attending the session of the Convention to-morrow.

On motion of Mr. Cushing,

The Convention adjourned.

SATURDAY, July 9th, 1864.

The Convention met at 10 o'clock, A. M.

Prayer by the Rev. Mr. Patterson.

All the members present except the following :

Messrs. Barron, Belt, Berry, of Baltimore county, Berry, of Prince George's, Billingsley, Blackiston, Bond, Briscoe, Brooks, Chambers, Crawford, Dail, Davis, of Charles, Dennis, Duvall, Farrow, Gale, Greene, Harwood, Henkle, Hodson, Horsey, Johnson, Jones, of Somerset, Kennard, King, Lansdale, Larsh, Lee, Mace, Marbury, Markey, Mayhugh,

Morgan, Negley, Parran, Peter, Ridgely, Robinette, Sands, Schlosser, Smith, of Dorchester, Smith, of Worcester, Thomas, Thruston, Turner—46.

The proceedings of yesterday were read and approved.

Mr. Cushing submitted the following resolution :

Whereas, The soil of Maryland has been invaded by bands of robbers and murderers under the authority of the so-called Confederate States, and our citizens have been by them despoiled of their goods and murdered:

Resolved, That the people of Maryland through this their Convention do declare their unfaltering loyalty to the Constitution, Laws and Government of the United States, and their unwavering determination under all circumstances, at all hazards and against all aggressors, to maintain the integrity of this Union forever, preferring rather than consent to the destruction of the union of these United States, to have the whole land laid waste and its entire population destroyed, hoping that in the future, it might be re-settled by some race of men more capable of appreciating and preserving Liberty and Union. They do hold all sympathisers with this causeless and wicked rebellion as unworthy citizens of Maryland, as recreant to the faith of their Fathers, forsaken of God and instigated by the devil.

Which was read the first time,

On motion of Mr. Cushing,

The rules were suspended, and the resolution read the second time.

Mr. Todd moved a call of the Convention;

The call being sustained,

The roll was called, and the following members responded:

Messrs. Goldsborough, (President,) Abbott, Annan, Audoun, Baker, Brown, Carter, Cunningham, Cushing, Daniel, Davis, of Washington, Dellinger, Dent, Earle, Ecker, Gallo-way, Hatch, Hebb, Hoffman, Hopkins, Hopper, Jones, of Cecil, Keefer, McComas, Miller, Mullikin, Murray, Noble, Nyman, Parker, Pugh, Purnell, Russell, Schley, Scott, Smith, of Carroll, Sneary, Stirling, Stockbridge, Swope, Sykes, Todd, Valliant, Wickard, Wilmer, Wooden—46.

On motion of Mr. Todd,

The Sergeant-at-Arms was sent after the absent members.

The Sergeant-at-Arms returned and reported that he had notified the absent members who were in the city.

On motion of Mr. Stirling,

Further proceedings under the call were dispensed with.

Mr. Clarke moved that the Convention do now adjourn,

Decided in the negative by yeas and nays as follows:

AFFIRMATIVE.

| | | |
|---------------|-----------|-----------|
| Messrs. Belt, | Dent, | Miller, |
| Chambers, | Mitchell, | Wilmer—7. |
| Clarke, | | |

NEGATIVE.

| | | |
|-------------------|------------------|--------------------|
| Messrs. | Hatch, | Purnell, |
| Goldsborough, P't | Hebb, | Russell, |
| Abbott, | Hoffman, | Schley, |
| Annan, | Hopkins, | Scott, |
| Audoun, | Hopper, | Smith, of Carroll, |
| Baker, | Jones, of Cecil, | Sneary, |
| Carter, | Keefer, | Stirling, |
| Cunningham, | McComas, | Stockbridge, |
| Cushing, | Mullikin, | Swope, |
| Daniel, | Murray, | Sykes, |
| Davis, of Wash., | Noble, | Todd, |
| Dellinger, | Nyman, | Valliant, |
| Earle, | Parker, | Wickard, |
| Ecker, | Pugh, | Wooden—42. |
| Galloway, | | |

Mr. Hebb moved a call of the Convention ;

The call being sustained,

The roll was called, and the following members responded :

Messrs. Goldsborough, (President,) Abbott, Annan, Audoun, Baker, Belt, Brown, Carter, Chambers, Clarke, Cunningham, Cushing, Daniel, Davis, of Washington, Dellinger, Dent, Earle, Ecker, Galloway, Hatch, Hebb, Hoffman, Hopkins, Hopper, Jones, of Cecil, Keefer, McComas, Mitchell, Miller, Mullikin, Murray, Noble, Nyman, Parker, Pugh, Purnell, Russell, Schley, Scott, Smith, of Carroll, Sneary, Stirling, Stockbridge, Swope, Sykes, Todd, Valliant, Wickard, Wilmer, Wooden—50.

On motion of Mr. Stirling,

Further proceedings under the call were dispensed with.

Mr. Stirling called the previous question.

The question being,

“Shall the main question be now put?”

It was decided in the affirmative.

The question recurring upon the adoption of the resolution submitted by Mr. Cushing,

It was decided in the affirmative.

On motion of Mr. Purnell,

It was ordered to be entered on the Journal that Mr. Farrow, of Worcester county, is detained from his seat in the Convention on account of indisposition.

The Convention proceeded with the consideration of the Report of the Committee on the Legislative Department.

The question being on the adoption of the amendment submitted by Mr. Daniel, to wit: Section 9. Strike out all between the word “no,” in the first line, and the word “person,” in the third line.

Mr. Todd called the previous question.

The question being,

“Shall the main question be now put?”

It was decided in the affirmative.

The question recurring upon the adoption of the amendment submitted by Mr. Daniel,

Mr. Daniel demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows:

AFFIRMATIVE.

| | | |
|-----------------|------------------|---------------|
| Messrs. Abbott, | Hoffman, | Russell, |
| Annan, | Hopkins, | Schley, |
| Baker, | Hopper, | Scott, |
| Carter, | Jones, of Cecil, | Smith of Car. |
| Cunningham, | Keefer, | Sneary, |
| Cushing, | McComas, | Stirling, |
| Daniel, | Mullikin, | Stockbridge, |
| Davis, of Wash. | Murray, | Swope, |
| Dellinger, | Noble, | Sykes, |
| Earle, | Nyman, | Todd, |

Ecker,
Galloway,
Hatch,
Hebb,

Parker,
Pugh,
Purnell,

Valliant,
Wickard,
Wooden—40.

NEGATIVE.

Messrs.
Goldsborough, P't
Audoun,
Belt,

Brown,
Chambers,
Clarke,
Dent,

Mitchell,
Miller,
Wilmer—10.

So the question upon its adoption was decided in the affirmative.

Mr. Schley submitted the following amendment:

Sec. 9, in line 4, after the word "State," insert the words "except Justices of the Peace."

Decided in the affirmative.

Mr. Belt submitted the following amendment:

Section 9, add the words "unless after his election as such Senator or Delegate he shall resign his said civil office of profit or of profit and trust."

Decided in the negative.

Mr. Miller submitted the following amendment:

Section 15, 6th line, strike out the words "or repealed," and in the 5th line, insert the word "or" after the word "revived."

Decided in the affirmative.

Mr. Belt submitted the following amendment:

Section 15, add the words: "And it shall be the duty of the General Assembly, at every regular session, to provide by law for the publication of a new edition of the Code of Public General Laws, which shall embrace all the alterations made in the same by law up to the time of such publication."

Decided in the negative.

Mr. Chambers submitted the following amendment;

Sec. 16, line 3, strike out the word "three" and insert the word "ten."

Decided in the affirmative.

Mr. Scott submitted the following amendment:

Section 16, after the word "other," in the 3d line, insert the words "and Public General Laws shall always have precedence over Local Laws and the latter shall have precedence over all private bills."

Pending the consideration of which,

On motion of Mr. Chambers,

The Convention adjourned.

MONDAY, July 11th, 1864.

The Convention met at 10 o'clock, A. M.

Prayer by the Rev. Mr. Owen.

All the members present except the following:

Messrs. Audoun, Barron, Belt, Berry, of Baltimore county, Berry, of Prince George's, Billingsley, Blackiston, Bond, Briscoe, Brooks, Carter, Crawford, Cunningham, Cushing, Dail, Daniel, Davis, of Charles, Dennis, Duvall, Farrow, Gale, Greene, Harwood, Hatch, Henkle, Hodson, Hopper, Horsey, Johnson, Jones, of Cecil, Jones, of Somerset, Keefer, Kennard, Lansdale, Larsh, Lee, Mace, Marbury, Markey, Mayhugh, McComas, Miller, Morgan, Negley, Noble, Nyman, Parker, Parran, Peter, Ridgely, Robinette, Sands, Schley, Schlosser, Smith, of Carroll, Smith, of Dorchester, Smith, of Worcester, Sneary, Stirling, Stockbridge, Swope, Thruston, Turner, Valliant, Wilmer—65.

There being no quorum present,

On motion of Mr. Purnell,

The Convention adjourned.

TUESDAY, July 12th, 1864.

The Convention met at 10 o'clock, A. M.

Prayer by the Rev. Mr. Patterson.

All the members present except the following :

Messrs. Audoun, Baker, Barron, Belt, Berry, of Baltimore county, Berry, of Prince George's, Billingsley, Bond, Brooks, Carter, Crawford, Cushing, Dail, Daniel, Davis, of Charles, Dennis, Duvall, Ecker, Farrow, Gale, Greene, Hatch, Hebb, Hodson, Hoffman, Hopper, Horsey, Johnson, Jones, of Somerseset, Keefer, Kennard, King, Lansdale, Larsh, Lee, Mace, Marbury, Mayhugh, McComas, Miller, Morgan, Negley, Noble, Nyman, Parker, Peter, Pugh, Ridgely, Robinette, Sands, Schley, Schlosser, Smith, of Carroll, Smith, of Dorchester, Smith, of Worcester, Sneary, Stirling, Stockbridge, Swope, Thomas, Thruston, Turner, Valliant, Wickard, Wilmer, Wooden—66.

There being no quorum present,

On motion of Mr. Todd,

The Convention adjourned.

WEDNESDAY, July 13th, 1864.

The Convention met at 10 o'clock, A. M.

Prayer by the Rev. Mr. Owen.

All the members present except the following :

Messrs. Abbott, Annan, Audoun, Baker, Barron, Belt, Berry, of Baltimore county, Berry, of Prince George's, Billingsley, Blackiston, Bond, Brooks, Carter, Chambers, Clarke, Crawford, Cunningham, Cushing, Dail, Daniel, Davis, of Charles, Davis, of Washington, Dellinger, Dennis, Duvall, Ecker, Edelen, Farrow, Gale, Galloway, Greene, Hatch, Hebb, Henkle, Hodson, Hoffman, Hollyday, Hopper, Horsey,

Johnson, Jones, of Cecil, Jones, of Somerset, Keefer, Kennard, King, Lansdale, Larsh, Lee, Mace, Marbury, Markey, Mayhugh, McComas, Mitchell, Miller, Morgan, Mullikin, Murray, Negley, Noble, Nyman, Parker, Parran, Peter, Pugh, Purnell, Ridgely, Robinette, Russell, Sands, Schley, Schlosser, Smith, of Carroll, Smith, of Dorchester, Smith, of Worcester, Sneary, Stirling, Stockbridge, Swope, Sykes, Thomas, Thruston, Todd, Turner, Valliant, Wickard, Wilmer, Wooden—88.

There being no quorum present,

On motion of Mr. Scott,

The Convention adjourned.

THURSDAY, July 14th, 1864.

The Convention met at 10 o'clock, A. M.

Prayer by the Rev. Mr. Patterson.

All the members present except the following :

Messrs. Abbott, Annan, Audoun, Baker, Barron, Belt, Berry, of Baltimore county, Billingsley, Blackiston, Bond, Brooks, Brown, Carter, Chambers, Crawford, Cunningham, Cushing, Dail, Daniel, Davis, of Charles, Davis, of Washington, Dellinger, Dennis, Duvall, Ecker, Farrow, Gale, Galloway, Greene, Hatch, Hebb, Henkle, Hodson, Hoffman, Hollyday, Hopkins, Hopper, Horsey, Johnson, Jones, of Cecil, Jones, of Somerset, Keefer, Kennard, King, Lansdale, Larsh, Lee, Mace, Marbury, Markey, Mayhugh, McComas, Miller, Morgan, Mullikin, Murray, Negley, Noble, Nyman, Parker, Parran, Peter, Pugh, Purnell, Ridgely, Robinette, Russell, Sands, Schley, Schlosser, Smith, of Carroll, Smith, of Dorchester, Smith, of Worcester, Sneary, Stirling, Stockbridge, Swope, Sykes, Thomas, Thruston, Todd, Turner, Valliant, Wickard, Wilmer, Wooden—86.

There being no quorum present,

On motion of Mr. Scott,

The Convention adjourned.

FRIDAY, July 15th, 1864.

The Convention met at 10 o'clock, A. M.

Prayer by the Rev. Mr. Davenport.

All the members present except the following :

Messrs. Abbott, Annan, Audoun, Baker, Barron, Belt, Berry, of Baltimore county, Berry, of Prince George's, Billingsley, Blackiston, Bond, Briscoe, Brooks, Brown, Carter, Chambers, Clarke, Crawford, Cunningham, Cushing, Dail, Daniel, Davis, of Charles, Davis, of Washington, Dellinger, Dennis, Duvall, Ecker, Farrow, Gale, Galloway, Greene, Hatch, Hebb, Henkle, Hodson, Hoffman, Hollyday, Hopper, Horsey, Johnson, Jones, of Cecil, Jones, of Somerset, Keefer, Kennard, King, Lansdale, Larsh, Lee, Mace, Markey, Maybough, McComas, Miller, Morgan, Negley, Noble, Nyman, Parker, Parran, Peter, Pugh, Purnell, Ridgely, Robinette, Russell, Sands, Schley, Schlosser, Smith, of Carroll, Smith, of Dorchester, Smith, of Worcester, Sneary, Stirling, Stockbridge, Swope, Sykes, Thomas, Thruston, Todd, Turner, Valliant, Wickard, Wilmer, Wooden—85.

There being no quorum present,

On motion of Mr. Scott,

The Convention adjourned.

SATURDAY, July 16th, 1864.

The Convention met at 10 o'clock, A. M.

Prayer by the Rev. Mr. McNemar,

All the members present except the following :

Messrs. Goldsborough, (President,) Abbott, Annan, Audoun, Baker, Barron, Belt, Berry, of Baltimore county, Berry, of Prince George's, Billingsley, Blackiston, Bond, Briscoe, Brooks, Brown, Carter, Chambers, Clarke, Craw-

ford, Cunningham, Cushing, Dail, Daniel, Davis, of Charles, Davis, of Washington, Dellinger, Dennis, Duvall, Earle, Ecker, Farrow, Gale, Green, Harwood, Hatch, Hebb, Henkle, Hodson, Hoffman, Hollyday, Hopper, Horsey, Johnson, Jones, of Cecil, Jones, of Somerset, Keefer, Kennard, King, Lansdale, Larsh, Lee, Mace, Markey, Mayhugh, McComas, Morgan, Mullikin, Negley, Noble, Nyman, Parker, Parran, Peter, Pugh, Purnell, Ridgely, Robinette, Russell, Sands, Schley, Schlosser, Smith, of Carroll, Smith, of Dorchester, Smith, of Worcester, Sneary, Stirling, Stockbridge, Swope, Sykes, Thomas, Thruston, Todd, Turner, Valliant, Wickard, Wilmer, Wooden—87.

There being no quorum present,

On motion of Mr. Galloway,

The Convention adjourned.

MONDAY, July 18th, 1864.

The Convention met at 10 o'clock, A. M.

All the members present except the following :

Messrs. Goldsbrough, (President,) Abbott, Annan, Audoun, Baker, Barron, Belt, Berry, of Baltimore county, Berry, of Prince George's, Billingsley, Blackiston, Bond, Briscoe, Brooks, Brown, Carter, Chambers, Clarke, Crawford, Cunningham, Cushing, Dail, Daniel, Davis, of Charles, Davis, of Washington, Dellinger, Dennis, Duvall, Earle, Ecker, Farrow, Gale, Greene, Harwood, Hatch, Hebb, Henkle, Hodson, Hoffman, Hollyday, Hopper, Horsey, Johnson, Jones, of Cecil, Jones, of Somerset, Keefer, Kennard, King, Lansdale, Larsh, Lee, Mace, Marbury, Markey, Mayhugh, McComas, Miller, Morgan, Mullikin, Negley, Noble, Nyman, Parker, Parran, Peter, Pugh, Purnell, Ridgely, Robinette, Russell, Sands, Schley, Schlosser, Smith, of Carroll, Smith, of Dorchester, Smith, of Worcester, Sneary, Stirling, Stockbridge, Swope, Sykes, Thomas, Thruston, Todd, Turner, Valliant, Wickard, Wilmer, Wooden—89.

There being no quorum present,
 On motion of Mr. Galloway,
 The Convention adjourned.

TUESDAY, July 19, 1864.

The Convention met at 10 o'clock, A. M.

Prayer by Rev. Mr. Patterson.

All the members present except the following :

Messrs. Baker, Belt, Berry, of Baltimore county, Berry, of Prince George's, Billingsley, Blackiston, Bond, Briscoe, Brooks, Brown, Clarke, Cunningham, Dellinger, Duvall, Farrow, Gale, Greene, Hebb, Hodson, Hoffman, Horsey, Jones, of Cecil, Keefer, Kennard, Lansdale, Marbury, Mayhugh, Negley, Noble, Parran, Peter, Purnell, Robinette, Schlosser, Smith, of Carroll, Smith, of Worcester, Sneary, Swope, Thomas, Thruston, Todd, Turner, Valliant, Wilmer—44.

The proceedings of the previous days' sessions were read and approved.

Mr. Holliday presented two petitions from George Vickers, and other citizens of Kent county, praying an alteration in the sessions of the Court of Appeals;

Which were read and referred to the Committee on the Judiciary.

On motion of Mr. Morgan,

It was ordered to be entered on the Journal that Chapman Billingsley, member from St. Mary's county, is detained from his seat in the Convention in consequence of indisposition.

Mr. Pugh submitted the following order:

Ordered, That the thanks of this Convention be tendered to the President, and to Messrs. Scott, Earle, Murray, Dent, Edelin and other members of the Convention for remaining

at Annapolis during the recent raid, and by their presence keeping alive the legal existence of this Convention.

Which was adopted.

Mr. Hatch submitted the following order :

Ordered, That the thanks of this Convention (representing as it does the people of Maryland) are hereby tendered to the old citizen and patriot of Baltimore county, Ishmael Day, for the heroic and gallant act in shooting down the traitor who dared to pull down the Country's Flag, which he had raised as an evidence of his loyalty and patriotism, which act of daring heroism meets the approbation of the heart and conscience every loyal citizen of Maryland.

Which was adopted.

Mr. Barron submitted the following order :

Ordered, That it be entered on the Journal that John Barron would have been in his seat the last week, but for the thieves and trunk robbers invading Maryland ;

Which was adopted.

Mr. Schley submitted the following order :

Ordered, That this Convention, representing the people of Maryland, hereby respectfully request the President of the United States and the Commandants of the Military Departments in which Maryland is included, as an act of justice and propriety, to assess upon known sympathisers with the rebellion, resident in this State, the total amount of all losses and spoliations sustained by loyal citizens of the United States resident in this State, by reason of the recent rebel raid, to compensate loyal sufferers ;

The question being on the adoption of the order,

Mr. Dent demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|-----------|----------|
| Messrs. | Galloway, | Parker, |
| Goldsborough, P't | Hatch, | Pugh, |
| Abbott, | Hopkins, | Ridgely, |
| Annan, | Hopper, | Russell, |
| Audoun, | King, | Sands, |
| Barron, | Larsh, | Schley, |

| | | |
|------------------|-----------|--------------|
| Carter, | Markey, | Scott, |
| Cushing, | McComas, | Stirling, |
| Daniel, | Mullikin, | Stockbridge, |
| Davis, of Wash., | Murray, | Wickard, |
| Earle, | Nyman, | Wooden—33. |
| Ecker, | | |

NEGATIVE.

| | | |
|--------------------|-----------------|--------------------|
| Messrs. | Dent, | Lee, |
| Belt, | Edelen, | Mace, |
| Chambers, | Henkle, | Mitchell, |
| Dail, | Hollyday, | Miller, |
| Davis, of Charles, | Johnson, | Morgan, |
| Dennis, | Jones, of Som., | Smith, of Dor.—17. |

So the question upon its adoption was decided in the affirmative.

The unfinished business, being the Report of the Committee on the Legislative Department,

Was taken up.

The question being on the adoption of the amendment submitted by Mr. Scott, to wit:

Section 16, after the word "other," in the 3rd line, insert the words "and Public General Laws shall always have precedence over Local Laws, and the latter shall have precedence over all private bills ;"

It was decided in the negative.

Mr. Stockbridge submitted the following amendment:

Section 19. Amend by striking out the section and inserting:

The Legislature shall not pass local or special laws in any of the following enumerated cases, viz:

For the punishment of crimes and misdemeanors, regulating the practice of Courts of Justice, or authorizing or directing the trial of any case in any Court;

For the assessment and collection of taxes for State or County purposes, or extending the time for the collection of taxes;

Providing for the support of public schools, the preservation of school funds, the location or the regulation of school houses;

Granting divorces ;

Changing the names of persons ;

Conferring rights of citizenship upon minors or foreigners ;

Relating to fees or salaries ;

Relating to the interest on money ;

Providing for regulating the election or compensation of State or County officers, or designating the places of voting ;

Providing for the sale of real estate belonging to minors or other persons laboring under legal disabilities, by executors, administrators, guardians or trustees ;

Giving effect to informal or invalid deeds or wills ;

Refunding money paid into the State Treasury, or releasing persons from their debts or obligations to the State ;

Or establishing, locating or affecting the construction of roads.

On motion of Mr. Stockbridge,

The consideration of the amendment was informally passed over.

Mr. Stockbridge submitted the following amendment :

Section 20, strike out from the word "discharged," in line seven, to the word "dollars," in line nine ;

Decided in the affirmative.

Mr. Miller submitted the following amendment :

Section 21, amend by adding to the end of the section the words "except in cases specially provided for in this Constitution ;"

The question being on the adoption of the amendment,

Mr. Pugh demanded the yeas and nays ;

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

Messrs.

Goldsborough, P't

Belt,

Carter,

Dent,

Earle,

Edelen,

Harwood,

Miller,

Morgan,

Ridgely,

Schley,

Chambers,
Crawford,
Daniel,

Henkle,
Hollyday,
Mitchell,

Smith, of Dor.,
Stirling,
Stockbridge—20.

NEGATIVE.

Messrs.

Abbott,
Annan,
Barron,
Cushing,
Dail,
Davis, of Charles,
Davis, of Wash.,
Dennis,
Ecker,
Galloway,

Hatch,
Hopkins,
Hopper,
Johnson,
Jones, of Som.
King,
Larsh,
Lee,
Markey,
McComas,

Mullikin,
Murray,
Nyman,
Parker,
Pugh,
Russell,
Sands,
Scott,
Wickard,
Wooden—30.

So the question upon its adoption was decided in the negative.

Mr. Davis, of Charles, submitted the following amendment :

Section 21, add to the end of the section the words “provided all salaries or compensations shall be paid in specie or its equivalent, at the option of the officer ;

Decided in the negative.

Mr. Stockbridge submitted the following amendment :

Section 22, strike out all after the word “term,” in line 5.

Decided in the negative.

Mr. Stockbridge submitted the following amendment :

Section 22, line 5, strike out the words “said term,” and insert the words “the time he shall continue to be a Senator or Delegate.”

Decided in the negative.

Mr. Stirling submitted the following amendment :

Section 22, strike out all after the word “term,” in line 5, and insert the words “or shall during said whole period of time be appointed to any civil office by the Executive or General Assembly.”

Decided in the affirmative.

Mr. Stockbridge submitted the following amendment :

Strike out section 24.

Decided in the affirmative.

Mr. Chambers submitted the following amendment :

Section 26, strike out in the last line the words "or duty," and insert the word "thereof."

Decided in the affirmative.

Mr. Stockbridge submitted the following amendment :

Section 26, amend by adding to the end of the section the words "but shall not by special act cancel or annul any bond which for any purpose has been executed to the State of Maryland."

Decided in the negative.

Mr. Chambers submitted the following amendment :

Section 27, line 11, strike out the words "making it," and insert the words "so resigning or refusing to act."

Decided in the affirmative.

Mr. Davis, of Charles, submitted the following amendment :

Section 27, line 8, strike out the word "ten," and insert the word "five."

Decided in the negative.

Mr. Ridgely submitted the following amendment:

Section 29, line 4, strike out the word "public."

Decided in the negative.

Mr. Belt submitted the following amendment :

Section 30, add to end of section the words "but no law shall be passed disfranchising any persons or disqualifying any persons from holding office, except such persons as may be duly convicted under the laws of this State or of the United States, before the proper judicial tribunals of the same, of some crime of the degree of felony."

The question being on the adoption of the amendment,

Mr. Belt demanded the yeas and nays;

The demand being sustained,

The yeas and nays were called and appeared as follows:

AFFIRMATIVE.

| | | |
|--------------------|-----------|-----------------|
| Messrs. Belt, | Edelen, | Jones, of Som., |
| Chambers, | Harwood, | Lee, |
| Dail, | Henkle, | Mitchell, |
| Davis, of Charles, | Hollyday, | Miller, |
| Dennis, | Johnson, | Morgan—16. |
| Dent, | | |

NEGATIVE.

| | | |
|-------------------|-----------|--------------|
| Messrs. | Galloway, | Pugh, |
| Goldsborough, P't | Hatch, | Ridgely, |
| Abbott, | Hopkins, | Russell, |
| Audoun, | Hopper, | Sands, |
| Barron, | King, | Schley, |
| Carter, | Larsh, | Scott, |
| Cunningham, | Markey, | Stirling, |
| Cushing, | McComas, | Stockbridge, |
| Daniel, | Mullikin, | Sykes, |
| Davis, of Wash., | Murray, | Wickard, |
| Earle, | Nyman, | Wooden—34. |
| Ecker, | Parker, | |

So the question upon its adoption was decided in the negative.

Mr. Stockbridge submitted the following amendment:

Section 30, line 2, strike out the word "or" and insert the word "and."

Decided in the affirmative.

Mr. Davis, of Charles, submitted the following amendment:

Section 30, strike out all after the word "elections," in the 2d line.

Decided in the negative.

On motion of Mr. Miller,

The 31st section was informally passed over.

Mr. Chambers submitted the following amendment:

Strike out section 35.

Decided in the negative.

Mr. King submitted the following amendment:

Section 36, line 1, strike out the word "shall," and insert the word "may."

Decided in the negative.

Mr. Chambers submitted the following amendment :

Section 39, line 1, strike out the words "lease or otherwise dispose of."

Decided in the affirmative.

Mr. Wickard submitted the following amendment :

Section 39, after the word "creditors," in the 3d line, insert the words "as also, all the stocks the State may hold in the banking institutions of this State."

Decided in the negative.

On motion of Mr. Sands,

The further consideration of section thirty-nine was informally passed over.

On motion of Mr. Jones, of Somerset,

The consideration of section forty was informally passed over.

On motion of Mr. Belt,

The Convention adjourned.

WEDNESDAY, July 20, 1864.

The Convention met at 10 o'clock, A. M.

Prayer by the Rev. Dr. Harman.

All the Members present except the following :

Messrs. Baker, Berry, of Baltimore county, Berry, of Prince George's, Billingsley, Blackiston, Bond, Briscoe, Brown, Clarke, Dellinger, Dennis, Edelen, Farrow, Gale, Greene, Hebb, Hodson, Horsey, Jones, of Cecil, Kennard,

Lansdale, Mace, Marbury, Mayhugh, Negley, Noble, Parran, Peter, Purnell, Robinette, Schlosser, Scott, Smith, of Carroll, Smith, of Worcester, Thruston, Todd, Turner, Valliant, Wilmer—40.

The proceedings of yesterday were read and approved.

Mr. Sands submitted the following order :

Ordered, That the President of the Convention transmit to the President of the United States, and to the Military Commandant of this Department, and to the Governor of Maryland, certified copies of the order adopted yesterday in relation to the spoiliations made by the Rebels during their late raid into Maryland.

The question being on the adoption of the order,

Mr. Schley called the previous question,

The question being,

“Shall the main question be now put?”

Mr. Jones, of Somerset, demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|-----------|--------------|
| Messrs. | Galloway, | Pugh, |
| Goldsborough, P't | Hatch, | Ridgely, |
| Abbott, | Hoffman, | Russell, |
| Annan, | Hopkins, | Sands, |
| Audoun, | Hopper, | Schley, |
| Barron, | Keefer, | Sneary, |
| Brooks, | Larsh, | Stirling, |
| Carter, | Markey, | Stockbridge, |
| Cunningham, | McComas, | Swope, |
| Cushing, | Mullikin, | Sykes, |
| Daniel, | Murray, | Thomas, |
| Davis, of Wash., | Nyman, | Wickard, |
| Earle, | Parker, | Wooden—39. |
| Ecker, | | |

NEGATIVE.

| | | |
|--------------------|-----------------|-------------------|
| Messrs. Belt, | Harwood, | Lee, |
| Chambers, | Henkle, | Mitchell, |
| Crawford, | Hollyday, | Miller, |
| Dail, | Johnson, | Morgan, |
| Davis, of Charles, | Jones, of Som., | Smith of Dor.—16. |
| Dent, | | |

So the question upon its adoption was decided in the affirmative.

The question recurring upon the adoption of the order,

Mr. Chambers demanded the yeas and nays;

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|-----------|--------------|
| Messrs. | Galloway, | Pugh, |
| Goldsborough, P't | Hatch, | Ridgely, |
| Abbott, | Hoffman, | Russell, |
| Annan, | Hopkins, | Sands, |
| Audoun, | Hopper, | Schley, |
| Barron, | Keefer, | Sneary, |
| Brooks, | King, | Stirling, |
| Carter, | Larsh, | Stockbridge, |
| Cunningham, | Markey, | Swope, |
| Cushing, | McComas, | Sykes, |
| Daniel, | Mullikin, | Thomas, |
| Davis, of Wash., | Murray, | Wickard, |
| Earle, | Nyman, | Wooden—40. |
| Ecker, | Parker, | |

NEGATIVE.

| | | |
|--------------------|-----------------|-------------------|
| Messrs. Belt, | Harwood, | Lee, |
| Chambers, | Henkle, | Mitchell, |
| Crawford, | Hollyday, | Miller, |
| Dail, | Johnson, | Morgan, |
| Davis, of Charles, | Jones, of Som., | Smith of Dor.—16. |
| Dent, | | |

So the question upon its adoption was decided in the affirmative.

On motion of Mr. Mulliken,

It was ordered to be entered on the Journal that Mr. Valiant, of Talbot, having been drafted, is absent from his seat in this body in order that he may procure a substitute.

Mr. Stirling submitted the following resolutions :

Whereas, There is in Maryland a class of persons whose desire for the success of the rebel arms is a matter of public notoriety, who have been demonstrated more clearly by the recent invasion to be the inviters of rebel raids, the guides, welcomers and entertainers of rebel soldiers, who have re-

joiced at the burning of our houses and the plunder of our property, who only want the opportunity to place the lives and property of loyal people at the mercy of their rebel friends, by pointing them out for destruction, and under the protection of the rebel army usurp the government of the State; and whereas, the experience of the past two weeks now clearly shows that the presence of such persons in our midst in time of war is no longer to be tolerated, and justice to ourselves, our families and our country, no less than to weak minded disloyalists themselves, the only hope of whose reclamation is in a vigorous policy, requires that the sternest justice should at once be meted out to those who persistently refuse to obey the laws, and the active and dangerous class be separated from the peaceable and loyal, by the exercise of the undoubted power of the Government to arrest and detain dangerous persons during times of war;

Therefore resolved, That this Convention, on the part of the loyal people of Maryland, demands of the Government of the United States that all adult citizens of this State, who shall refuse to register on oath their allegiance, submission and obedience to the United States, and thus persist in the position of public enemies, and all persons who shall be proved to have taken part with or openly expressed their sympathy with the recent invasion of the State, shall be banished beyond the lines of the army, or imprisoned during the war;

Resolved, That the President of this Convention transmit certified copies of this preamble and resolutions to the President of the United States and to the commanders of the military departments in which Maryland is embraced;

Which were read the first time.

On motion of Mr. Thomas,

It was ordered to be entered on the Journal that had Mr. Thomas, of Baltimore city, and Mr Sykes, of Howard, been in their seats on yesterday, they would have voted in favor of the order of Mr. Hatch, tendering the thanks of this Convention to the citizen and patriot, Ishmael Day, for his heroic act in shooting the traitor who dared to pull down the American flag; and would also have voted in favor of the order of Mr. Schley, of Frederick, requesting the President and the commandants of the military departments to assess upon sympathisers with the rebellion residing in this State the total amount of all losses sustained by the loyal citizens of this State by reason of the recent rebel raid.

Mr. Belt submitted the following resolution :

Whereas, By the 21st Article of the existing Declaration of Rights of this State, it is, among other things, provided "that no freeman ought to be taken or imprisoned, or disseized of his freehold, liberties or privileges, or outlawed or exiled, or in any manner destroyed, or deprived of his life, liberty or property, but by the judgment of his peers or by the law of the land;" and whereas, on the 19th instant, this Convention did adopt the following order, to wit: "Ordered, that this Convention, representing the people of Maryland, hereby respectfully request the President of the United States and the commandants of the military departments in which Maryland is included, as an act of justice and propriety, to assess upon known sympathisers with the rebellion, resident in this State, the total amount of all losses and spoiliations sustained by loyal citizens of the United States resident in this State, by reason of the recent rebel raid, to compensate loyal sufferers;" and whereas, there is an obvious conflict and contradiction between the said order and the before recited Article of the Bill of Rights; and whereas, the subject-matter of the said order is not properly within the purposes for which this Convention was called, but is irrelevant and altogether foreign to the same; Therefore

Resolved, That in the opinion of this Convention, the aforesaid order was improvidently passed, and that the same be and it is hereby rescinded;

Which the President ruled out of order.

Mr. Belt appealed from the decision of the Chair.

The question being,

"Shall the decision of the Chair be sustained?"

Mr. Belt demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|---------|----------|-----------------|
| Messrs. | Harwood, | Pugh, |
| Abbott, | Hatch, | Russell, |
| Annan, | Hoffman, | Sands, |
| Audoun, | Hopkins, | Schley, |
| Barron, | Hopper, | Smith, of Dor., |
| Brooks, | Keefer, | Sneary, |
| Carter, | King, | Stirling, |

| | | |
|------------------|-----------|--------------|
| Cunningham, | Larsh, | Stockbridge, |
| Cushing, | Markey, | Swope, |
| Daniel, | McComas, | Sykes, |
| Davis, of Wash., | Mullikin, | Thomas, |
| Earle, | Murray, | Wickard, |
| Ecker, | Nyman, | Wooden—40. |
| Galloway, | Parker, | |

NEGATIVE.

| | | |
|--------------------|-----------------|------------|
| Messrs. Belt, | Henkle, | Lee, |
| Chambers, | Hollyday, | Mitchell, |
| Crawford, | Johnson, | Miller, |
| Davis, of Charles, | Jones, of Som., | Morgan—13. |
| Dent, | | |

So the decision of the President was sustained.

On motion of Mr. Markey,

It was ordered to be entered on the Journal that Mr. Baker, of Frederick county, is detained from his seat in the Convention by sickness.

The Convention then proceeded with the consideration of the Report of the Committee on the Legislative Department.

Mr. Henkle submitted the following amendment :

Section 41. Amend by inserting the word "white" before the word "person," in the first line ;

The question upon its adoption was decided in the negative.

Mr. Stockbridge submitted the following amendment :

Section 42. Strike out all after "otherwise," in line six, and insert "the books, papers and accounts of all banks shall be open to inspection under such regulations as may be prescribed by law ;

Decided in the affirmative.

Mr. Miller submitted the following amendment :

Section 42. Strike out the words "subscribed for and not paid in," in the 5th line ;

The question being on the adoption of the amendment,

Mr. Stirling demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|--------------------|-----------|----------------|
| Messrs. Belt, | Hopkins, | Pugh, |
| Chambers, | Hopper, | Ridgely, |
| Daniel, | King, | Sands, |
| Davis, of Charles, | Larsh, | Smith, of Dor. |
| Davis, of Wash. , | Lee, | Sneary, |
| Dent, | McComas, | Stockbridge, |
| Earle, | Mitchell, | Swope, |
| Galloway, | Miller, | Sykes, |
| Hatch, | Morgan, | Thomas, |
| Henkle, | Nyman, | Wickard, |
| Hoffman, | Parker, | Wooden—34. |
| Hollyday, | | |

NEGATIVE.

| | | |
|-------------------|----------------|--------------|
| Messrs. | Carter, | Keefer, |
| Goldsborough, P't | Cunningham, | Markey, |
| Abbott, | Cushing, | Mullikin, |
| Annan, | Dail, | Murray, |
| Audoun, | Ecker, | Russell, |
| Barron, | Harwood, | Schley, |
| Brooks, | Jones, of Som. | Stirling—20. |

So the question upon its adoption was decided in the affirmative.

Mr. Schley submitted the following amendment :

Sec. 42. Insert after the word “otherwise,” in the 6th line, the words “and on the further condition, that said charter, or renewal of such existing corporation, shall not authorize the issue of paper money as a circulating medium so long as the United States shall provide by law a National paper currency.

The question being on the adoption of the amendment,

Mr. Pugh demanded the yeas and nays;

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|-----------|---------|
| Messrs. | Galloway, | Nyman, |
| Goldsborough, P't | Hatch, | Parker, |
| Abbott, | Hopkins, | Sands, |
| Annan, | Hopper, | Schley, |

| | | |
|-------------|-----------|--------------|
| Audoun, | Keefer, | Stirling, |
| Barron, | King, | Stockbridge, |
| Brooks, | Markey, | Swope, |
| Carter, | McComas, | Sykes, |
| Cunningham, | Mullikin, | Wickard, |
| Cushing, | Murray, | Wooden—29. |

NEGATIVE.

| | | |
|--------------------|-----------------|-----------------|
| Messrs. Belt, | Ecker, | Miller, |
| Chambers, | Harwood, | Morgan, |
| Crawford, | Henkle, | Pugh, |
| Dail, | Hoffman, | Ridgely, |
| Daniel, | Hollyday, | Russell, |
| Davis, of Charles, | Johnson, | Smith, of Dor., |
| Davis, of Wash., | Jones, of Som., | Sneary, |
| Dent, | Lee, | Thomas—26. |
| Earle, | Mitchell, | |

So the question upon its adoption was decided in the affirmative.

Mr. Ridgely submitted the following amendment :

Section 42, line 1, after the word "shall," insert the words "after the expiration of all the existing bank charters.

Pending the consideration of which,

Mr. Pugh moved that the Convention do now adjourn.

The question being on the adoption of the motion,

Mr. Stirling demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

| | | |
|--------------------|------------------|----------------|
| Messrs. | Davis, of Wash., | Mitchell, |
| Goldsborough, P't | Dent, | Miller, |
| Audoun, | Earle, | Morgan, |
| Barron, | Harwood, | Murray, |
| Belt, | Hatch, | Pugh, |
| Brooks, | Henkle, | Ridgely, |
| Carter, | Hollyday, | Russell, |
| Chambers, | Johnson, | Sands, |
| Crawford, | Jones, of Som., | Smith, of Dor. |
| Cunningham, | King, | Sneary, |
| Dail, | Larsh, | Stockbridge, |
| Daniel, | Lee, | Thomas,—37. |
| Davis, of Charles, | Markey, | |

NEGATIVE.

| | | |
|-----------------|-----------|------------|
| Messrs. Abbott, | Hopper, | Parker, |
| Annan, | Keefer, | Schley, |
| Cushing, | McComas, | Stirling, |
| Ecker, | Mullikin, | Swope, |
| Galloway, | Nyman, | Wooden—16. |
| Hopkins, | | |

So the Convention adjourned.

THURSDAY, July 21, 1864.

The Convention met at 10 o'clock, A. M.

Prayer by the Rev. Mr. McNemar.

All the members present except the following :

Messrs. Audoun, Baker, Berry, of Baltimore county, Berry, of Prince George's, Billingsley, Blackiston, Bond, Briscoe, Brown, Clarke, Dellinger, Dennis, Duvall, Edelen, Farrow, Gale, Hebb, Henkle, Hodson, Hoffman, Horsey, Jones, of Cecil, Lansdale, Marbury, Mayhugh, Noble, Par-ran, Peter, Purnell, Ridgely, Robinette, Schlosser, Scott, Smith, of Worcester, Thomas, Thruston, Todd, Turner, Valliant, Wilmer—40.

The proceedings of yesterday were read and approved.

Mr. Stockbridge submitted the following order :

Ordered, That the report of the Committee on the basis of Representation be made the Order of the Day immediately after the conclusion of the second reading of the Article on the Legislative Department ;

Which was adopted.

Mr. Smith, of Carroll, gave notice that at the proper time he would submit the following amendment to the report of the committee on the Legislative Department :

Sec. — The Legislature shall make no appropriation, gift or endowment, directly or indirectly, in aid of, or for the use

benefit or advantage of the State Agricultural College, or of its professors, agents or employees, or any of them.

Mr. Pugh submitted the following order :

Ordered, That the time allowed each member on any question arising on the pending Report of the Committee on the Legislative Department, be limited to five minutes, and that the time of no speaker shall be extended without the concurrence of two thirds of the members present ;

On motion of Mr. Abbott,

The order was laid on the table.

Mr. Stirling submitted the following order :

Ordered, That the Convention hereafter hold evening sessions at 8 o'clock, on the evening of every day on which the Convention shall be in session except on Saturdays ;

The question being on the adoption of the order,

Mr. Stirling demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|-----------|--------------------|
| Messrs. | Hoffman, | Nyman, |
| Goldsborough, P't | Hopkins, | Parker, |
| Abbott, | Hopper, | Pugh, |
| Annan, | Keefer, | Russell, |
| Cunningham, | Kennard, | Sands, |
| Cushing, | King, | Schley, |
| Daniel, | Mace, | Smith, of Carroll, |
| Davis, of Wash., | Markey, | Sneary, |
| Earle, | McComas, | Stirling, |
| Ecker, | Mullikin, | Stockbridge, |
| Galloway, | Murray, | Swope, |
| Greene, | Negley, | Wooden—35. |

NEGATIVE.

| | | |
|-----------|--------------------|----------------|
| Messrs. | Davis, of Charles, | Larsh, |
| Barron, | Dent, | Lee, |
| Belt, | Harwood, | Mitchell, |
| Brooks, | Hatch, | Miller, |
| Carter, | Henkle, | Morgan, |
| Chambers, | Hollyday, | Smith, of Dor. |
| Crawford, | Johnson, | Wickard—22. |
| Dail, | Jones, of Som., | |

So the question upon its adoption was decided in the affirmative.

Mr. Barron moved a suspension of the rules, in order to take up the resolutions submitted by Mr. Stirling, on yesterday, in reference to the removal beyond the lines of the army of sympathisers with the rebellion ;

The question being on the adoption of the motion,

Mr. Jones, of Somerset, demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|-----------|--------------------|
| Messrs. | Greene, | Negley, |
| Goldsborough, P't | Hatch, | Nyman, |
| Abbott, | Hoffman, | Pugh, |
| Annan, | Hopkins, | Russell, |
| Barron, | Hopper, | Sands, |
| Brooks, | Keefer, | Schley, |
| Carter, | Kennard, | Smith, of Carroll, |
| Cunningham, | King, | Sneary, |
| Cushing, | Larsh, | Stirling, |
| Daniel, | Mace, | Stockbridge, |
| Davis, of Wash., | Markey, | Swope, |
| Earle, | McComas, | Wickard, |
| Ecker, | Mullikin, | Wooden—40. |
| Galloway, | Murray, | |

NEGATIVE.

| | | |
|--------------------|----------------|--------------------|
| Messrs. | Harwood, | Mitchell, |
| Belt, | Henkle, | Miller, |
| Crawford, | Hollyday, | Morgan, |
| Dail, | Johnson, | Parker, |
| Davis, of Charles, | Jones, of Som. | Smith, of Dor.—16. |
| Dent, | Lee, | |

So the question upon its adoption was decided in the affirmative.

The resolutions were then read the second time.

Mr. Belt submitted the following amendment :

Add to the end of the first resolution the words :

Provided, however, that nothing contained herein shall be taken to endorse any other theory of the existing war than that expressed in the resolution of Congress of July 1861,

wherein the war is declared to be prosecuted not in any spirit of oppression, or for any purpose of conquest or subjugation, or purpose of overthrowing or interfering with the rights or established institutions of any of the States, but to defend and maintain the supremacy of the Constitution and to preserve the Union with all the dignity, equality and rights of the several States unimpaired, and that as soon as these objects are accomplished, the war ought to cease ;

The question being on the adoption of the amendment,

Mr. Barron called the previous question ;

The question then being,

“Shall the main question be now put?”

Mr. Dent demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|-----------|--------------------|
| Messrs. | Greene, | Negley, |
| Goldsborough, P't | Hatch, | Nyman, |
| Abbott, | Hoffman, | Parker, |
| Annan, | Hopkins, | Pugh, |
| Barron, | Hopper, | Russell, |
| Brooks, | Keefer, | Sands, |
| Carter, | Kennard, | Schley, |
| Cunningham, | King, | Smith, of Carroll, |
| Cushing, | Larsh, | Sneary, |
| Daniel, | Mace, | Stirling, |
| Davis, of Wash., | Markey, | Stockbridge, |
| Earle, | McComas, | Swope, |
| Ecker, | Mullikin, | Wickard, |
| Galloway, | Murray, | Wooden—41. |

NEGATIVE.

| | | |
|--------------------|-----------------|--------------------|
| Messrs. | Dent, | Lee, |
| Belt, | Harwood, | Mitchell, |
| Chambers, | Henkle, | Miller, |
| Crawford, | Hollyday, | Morgan, |
| Dail, | Johnson, | Smith, of Dor.—16. |
| Davis, of Charles, | Jones, of Som., | |

So the call for the previous question was sustained.

The question recurring upon the adoption of the amendment submitted by Mr. Belt,

Mr. Dent demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-----------|--------------------|---------------------|
| Messrs. | Davis, of Charles, | Jones, of Som., |
| Belt, | Dent, | Mitchell, |
| Chambers, | Henkle, | Miller, |
| Crawford, | Hollyday, | Morgan, |
| Dail, | Johnson, | Smith, of Dor.- 14. |

NEGATIVE.

| | | |
|-------------------|-----------|--------------------|
| Messrs. | Harwood, | Nyman, |
| Goldsborough, P't | Hatch, | Parker, |
| Abbott, | Hoffman, | Pugh, |
| Annan, | Hopkins, | Russell, |
| Barron, | Hopper, | Sands, |
| Brooks, | Keefer, | Schley, |
| Carter, | Kennard, | Smith, of Carroll, |
| Cunningham, | King, | Sneary, |
| Cushing, | Larsh, | Stirling, |
| Daniel, | Lee, | Stockbridge, |
| Davis, of Wash. | Markey, | Swope, |
| Earle, | McComas, | Sykes, |
| Ecker, | Mullikin, | Wickard, |
| Galloway, | Murray, | Wooden—43. |
| Greene, | Negley, | |

So the question upon its adoption was decided in the negative.

The question then recurring upon the adoption of the first resolution,

Mr. Jones, of Somerset, demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|----------|--------------------|
| Messrs. | Greene, | Nyman, |
| Goldsborough, P't | Hatch, | Parker, |
| Abbott, | Hoffman, | Pugh, |
| Annan, | Hopkins, | Russell, |
| Barron, | Hopper, | Sands, |
| Brooks, | Keefer, | Schley, |
| Carter, | Kennard, | Smith, of Carroll, |

| | | |
|------------------|-----------|--------------|
| Cunningham, | King, | Sneary, |
| Cushing, | Larsh, | Stirling, |
| Daniel, | Markey, | Stockbridge, |
| Davis, of Wash., | McComas, | Swope, |
| Earle, | Mullikin, | Sykes, |
| Ecker, | Murray, | Wickard, |
| Galloway, | Negley, | Wooden—41. |

NEGATIVE.

| | | |
|--------------------|-----------------|--------------------|
| Messrs. | Dent, | Lee, |
| Belt, | Harwood, | Mitchell, |
| Chambers, | Henkle, | Miller, |
| Crawford, | Hollyday, | Morgan, |
| Dail, | Johnson, | Smith, of Dor.—16. |
| Davis, of Charles, | Jones, of Som., | |

So the question upon its adoption was decided in the affirmative.

The second resolution was then adopted.

The question then being on the adoption of the preamble,

On motion of Mr. Belt,

The subject was divided ;

The question being on the adoption of the first clause of the preamble to wit :

“Whereas, There is in Maryland a class of persons whose desire for the success of the rebel arms is a matter of public notoriety, who have been demonstrated more clearly by the recent invasion to be the inviters of rebel raids, the guides, welcomers and entertainers of rebel soldiers, who have rejoiced at the burning of our houses and the plunder of our property, who only want the opportunity to place the lives and property of loyal people at the mercy of their rebel friends, by pointing them out for destruction, and under the protection of the rebel army usurp the government of the State ;”

Mr. Davis, of Charles, demanded the yeas and nays ;

The demand being sustained,

The yeas and nays were called, and appeared as follows:

AFFIRMATIVE.

| | | |
|-------------------|----------|---------|
| Messrs. | Harwood, | Nyman, |
| Goldsborough, Pt. | Hatch, | Parker, |
| Abbott, | Hoffman, | Pugh, |

| | | |
|------------------|-----------|--------------------|
| Annan, | Hopkins, | Russell, |
| Barron, | Hopper, | Sands, |
| Brooks, | Keefer, | Schley, |
| Carter, | Kennard, | Smith, of Carroll, |
| Cunningham, | King, | Sneary, |
| Cushing, | Larsh, | Stirling, |
| Daniel, | Markey, | Stockbridge, |
| Davis, of Wash., | McComas, | Swope, |
| Earle, | Mullikin, | Sykes, |
| Ecker, | Murray, | Wickard, |
| Galloway, | Negley, | Wooden—42. |
| Greene, | | |

NEGATIVE.

| | | |
|--------------------|----------------|-------------------|
| Messrs. | Dent, | Lee, |
| Belt, | Henkle, | Mitchell, |
| Chambers, | Hollyday, | Miller, |
| Crawford, | Johnson, | Morgan, |
| Davis, of Charles, | Jones, of Som. | Smith of Dor.—14. |

So the question upon its adoption was decided in the affirmative.

The question recurring upon the second clause of the preamble, to wit:

“And whereas, the experience of the past two weeks now clearly shows that the presence of such persons in our midst in time of war is no longer to be tolerated, and justice to ourselves, our families and our country, no less than to weak minded disloyalists themselves, the only hope of whose reclamation is in a vigorous policy, requires that the sternest justice should at once be meted out to those who persistently refuse to obey the laws, and the active and dangerous class be separated from the peaceable and loyal, by the exercise of the undoubted power of the Government to arrest and detain dangerous persons during times of war ;”

It was decided in the affirmative.

The Convention then proceeded with the consideration of the Report of the Committee on the Legislative Department.

The question being on the adoption of the amendment submitted by Mr. Ridgely, to wit:

Section 42, line 1, after the word “shall,” insert the words “after the expiration of all the existing bank charters ;”

It was decided in the negative.

Mr. Sands moved a reconsideration of the vote by which the amendment of Mr. Schley, to the 42d section submitted yesterday, was adopted ;

Decided in the affirmative.

The question recurring upon the adoption of the amendment,

Mr. Smith, of Carroll, demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|-----------|--------------|
| Messrs. | Hatch, | Murray, |
| Goldsborough, P't | Hopper, | Parker, |
| Abbott, | Kennard, | Schley, |
| Barron, | Larsh, | Stirling, |
| Brooks, | McComas, | Stockbridge, |
| Cushing, | Mullikin, | Wickard—18. |
| Harwood, | | |

NEGATIVE.

| | | |
|--------------------|-----------------|--------------------|
| Messrs. | Galloway, | Mitchell, |
| Annan, | Greene, | Miller, |
| Belt, | Henkle, | Morgan, |
| Carter, | Hoffman, | Negley, |
| Chambers, | Hollyday, | Nyman, |
| Crawford, | Hopkins, | Pugh, |
| Cunningham, | Johnson, | Russell, |
| Dail, | Jones, of Som., | Sands, |
| Daniel, | Keefer, | Smith, of Carroll, |
| Davis, of Charles, | King, | Smith, of Dor., |
| Davis, of Wash., | Lee, | Sneary, |
| Dent, | Mace, | Swope, |
| Earle, | Markey, | Sykes—39. |
| Ecker, | | |

So the question upon its adoption was decided in the negative.

Mr. King submitted the following amendment :

Section 42, line — after the word “corporation,” insert “except such as are ;”

Decided in the negative.

Mr. King submitted the following amendment :

Section 42, line 3, strike out the word "except," and insert the word "and ;"

Decided in the negative.

Mr. Daniel submitted the following amendment:

Section 42, line 3, after the word "liable," insert the words "in preparation ;"

Mr. Schley called the previous question ;

The question being,

"Shall the main question be now put?"

It was decided in the affirmative.

The question then being on the adoption of the amendment submitted by Mr. Daniel ;

It was decided in the negative.

The question recurring upon the adoption of the 42d section as amended ;

It was decided in the affirmative.

The 43d section was then considered.

Mr. Negley moved to return to the consideration of the 42d section ;

The question being taken, upon a division, no quorum voting ;

Mr. Miller moved a call of the Convention ;

The call being sustained,

The roll was called, and the following members responded :

Messrs. Goldsborough, (President,) Abbott, Annan, Barron, Belt, Brooks, Carter, Chambers, Cunningham, Dail, Daniel, Davis, of Charles, Davis, of Washington, Dent, Earle, Ecker, Galloway, Greene, Harwood, Hatch, Henkle, Hoffman, Hollyday, Hopkins, Hopper, Johnson, Jones, of Somerset, Keefer, Kennard, King, Larsh, Lee, Mace, Markey, McComas, Mitchell, Miller, Morgan, Mullikin, Murray, Negley, Nyman, Parker, Pugh, Russell, Sands, Schley, Smith, of Carroll, Smith, of Dorchester, Sneary, Stirling, Stockbridge, Swope, Wickard, Wooden—53.

On motion of Mr. Negley,

Further proceedings under the call were dispensed with.

The question upon the motion of Mr. Negley to return to the consideration of the 42d article was then decided in the affirmative by yeas and nays as follows :

AFFIRMATIVE.

| | | |
|--------------------|-----------|--------------------|
| Messrs. | Hollyday, | Mullikin, |
| Goldsborough, P't | Hopkins, | Murray, |
| Annan, | Hopper, | Negley, |
| Belt, | Johnson, | Parker, |
| Carter, | King, | Russell, |
| Dail, | Lee, | Sands, |
| Davis, of Charles, | Mace, | Smith, of Carroll, |
| Ecker, | Markey, | Smith, of Dor., |
| Galloway, | McComas, | Swope, |
| Harwood, | Mitchell, | Sykes, |
| Henkle, | Miller, | Wickard—34. |
| Hoffman, | Morgan, | |

NEGATIVE.

| | | |
|-------------|------------------|--------------|
| Messrs. | Davis, of Wash., | Larsh, |
| Abbott, | Dent, | Nyman, |
| Barron, | Earle, | Pugh, |
| Brooks, | Greene, | Schley, |
| Chambers, | Hatch, | Sneary, |
| Cunningham, | Jones, of Som., | Stirling, |
| Cushing, | Keefer, | Stockbridge, |
| Daniel, | Kennard, | Wooden—23. |

Mr. Negley submitted the following amendment :

Sec. 42. Amend by inserting after the word "otherwise," in the sixth line, "and upon the further condition that no director or other officer of said corporation shall borrow any money from said corporation ; and if any director or other officer shall be convicted upon indictment of directly or indirectly violating this article, he shall be punished by fine or imprisonment, at the discretion of the Court ;

The question being on the adoption of the amendment,

Mr. Stirling demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|-----------|-----------|
| Messrs. | Henkle, | Mullikin, |
| Goldsborough, P't | Hoffman, | Murray, |
| Abbott, | Hollyday, | Negley, |

| | | |
|--------------------|-----------|--------------------|
| Annan, | Hopkins, | Parker, |
| Barron, | Hopper, | Russell, |
| Belt, | King, | Sands, |
| Carter, | Lee, | Smith, of Carroll, |
| Cunningham, | Mace, | Smith, of Dor., |
| Davis, of Charles, | Markey, | Swope, |
| Earle, | McComas, | Sykes, |
| Ecker, | Mitchell, | Wickard, |
| Galloway, | Miller, | Wooden—37. |
| Harwood, | Morgan, | |

NEGATIVE.

| | | |
|------------------|----------------|-----------------|
| Messrs. | Dent, | Nyman, |
| Brooks, | Greene, | Pugh, |
| Chambers, | Hatch, | Schley, |
| Crawford, | Jones, of Som. | Sneary, |
| Cushing, | Keefer, | Stirling, |
| Daniel, | Kennard, | Stockbridge—19. |
| Davis, of Wash., | Larsh, | |

So the question upon its adoption was decided in the affirmative.

Mr. Stirling submitted the following amendment :

Section 44. Strike out after the word “all,” in line six, and insert, “Corporations may be formed under general laws, but shall not be created by special act, except for municipal purposes, and in cases where, in the judgment of the General Assembly, the object of the corporation cannot be attained under general laws ;”

Decided in the affirmative.

Mr. Stockbridge submitted the following amendment :

Sec. 44, line 9. Amend by striking out the word “article,” and inserting the word “section ;”

Decided in the affirmative.

Mr. Belt submitted the following amendment :

Section 47. Strike out the words “and West Virginia,” in the third line ;

The question being on the adoption of the amendment,

Mr. Belt demanded the yeas and nays ;

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|--------------------|-----------|-----------------|
| Messrs. | Dent, | Jones, of Som., |
| Belt, | Harwood, | Lee, |
| Chambers, | Henkle, | Mitchell, |
| Crawford, | Hollyday, | Miller, |
| Dail, | Johnson, | Morgan—15. |
| Davis, of Charles, | | |

NEGATIVE.

| | | |
|-------------------|-----------|--------------------|
| Messrs. | Greene, | Negley, |
| Goldsborough, P't | Hatch, | Parker, |
| Abbott, | Hoffman, | Russell, |
| Annan, | Hopkins, | Sands, |
| Barron, | Hopper, | Schley, |
| Brooks, | Keefer, | Smith, of Carroll, |
| Carter, | Kennard, | Sneary, |
| Cunningham, | King, | Stirling, |
| Cushing, | Larsh, | Stockbridge, |
| Daniel, | Mace, | Swope, |
| Davis, of Wash., | Markey, | Sykes, |
| Earle, | McComas, | Wickard, |
| Ecker, | Mullikin, | Wooden—39. |
| Galloway, | Murray, | |

So the question upon its adoption was decided in the negative.

Mr. Belt submitted the following amendment:

Amend section 47 by adding the following words at the end thereof: "Provided, however, that the General Assembly shall have no power to accept the cession of any such territory until after the existing civil war shall have been brought to a close;"

Pending the consideration of which,

On motion of Mr. Daniel,

The Convention took a recess until 8 o'clock, P. M.

EVENING SESSION.

The Convention met at 8 o'clock.

All the Members present except the following :

Messrs. Audoun, Baker, Barron, Berry, of Baltimore county, Berry, of Prince George's, Billingsley, Blackiston, Bond, Briscoe, Brooks, Brown, Carter, Clarke, Crawford, Cushing, Dail, Davis, of Charles, Dellinger, Dennis, Duvall, Farrow, Gale, Harwood, Hatch, Hebb, Hodson, Hopkins, Horsey, Johnson, Jones, of Cecil, Lansdale, Larsh, Mace, Marbury, Mayhugh, Morgan, Noble, Parran, Peter, Purnell, Ridgely, Robinette, Schlosser, Scott, Smith, of Dorchester, Smith, of Worcester, Sykes, Thomas, Thruston, Todd, Turner, Valliant, Wickard, Wilmer—54.

There being no quorum present,

On motion of Mr. Dent,

The Convention adjourned.

FRIDAY, July 22nd, 1864.

The Convention met at 10 o'clock, A. M.

Prayer by the Rev. Mr. Davenport.

All the members present except the following :

Messrs. Baker, Berry, of Baltimore county, Berry, of Prince George's, Billingsley, Blackiston, Briscoe, Brown, Chambers, Clarke, Dellinger, Dennis, Farrow, Gale, Harwood, Henkle, Hodson, Horsey, Jones, of Cecil, Lansdale, Mace, Marbury, Mayhugh, Noble, Peter, Purnell, Robinette, Schlosser, Scott, Smith, of Worcester, Thruston, Todd, Turner, Wilmer—33.

The proceedings of yesterday were read and approved.

On motion of Mr. Jones, of Somerset,

It was ordered to be entered on the Journal that Mr. Dennis is detained from his seat in the Convention by sickness in his family.

Mr. Schley submitted the following order:

Ordered, That the Convention take a recess daily for at least one hour before three o'clock, P. M., at which latter hour it shall re-assemble, except on Saturday;

Mr. Abbott moved to lay the order on the table ;

The question being on the adoption of the motion,

Mr. Barron demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-----------|-----------------|-----------------|
| Messrs. | Harwood, | Morgan, |
| Abbott, | Hoffman, | Parker, |
| Carter, | Hollyday, | Parran, |
| Chambers, | Hopkins, | Sands, |
| Crawford, | Johnson, | Smith, of Dor., |
| Cushing, | Jones, of Som., | Stockbridge, |
| Dail, | Lee, | Valliant, |
| Dent, | Mitchell, | Wickard—24. |
| Edelen, | | |

NEGATIVE.

| | | |
|--------------------|-----------|---------------|
| Messrs | Ecker, | Mullikin, |
| Goldsborough, P't | Galloway, | Murray, |
| Annan, | Greene, | Negley, |
| Audoun, | Hatch, | Nyman, |
| Barron, | Hebb, | Pugh, |
| Belt, | Hopper, | Ridgely, |
| Bond, | Keefer, | Russell, |
| Brooks, | Kennard, | Schley, |
| Cunningham, | King, | Smith of Car. |
| Daniel, | Larsh, | Sneary, |
| Davis, of Charles, | Markey, | Stirling, |
| Davis, of Wash. | McComas, | Thomas, |
| Duvall, | Miller, | Wooden—38. |
| Earle, | | |

So the question upon its adoption was decided in the negative.

The question recurring upon the adoption of the order submitted by Mr. Schley,

Mr. Barron demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|-----------|--------------------|
| Messrs. | Galloway, | Murray, |
| Goldsborough, P't | Greene, | Negley, |
| Abbott, | Hebb, | Nyman, |
| Annan, | Hoffman, | Pugh, |
| Belt, | Hopkins, | Russell, |
| Cunningham, | Hopper, | Schley, |
| Cushing, | Keefer, | Smith, of Carroll, |
| Daniel, | Markey, | Sneary, |
| Davis, of Wash., | McComas, | Stirling, |
| Earle, | Mullikin, | Wooden—30. |
| Ecker, | | |

NEGATIVE.

| | | |
|--------------------|-----------------|-----------------|
| Messrs. | Edelen, | Miller, |
| Audoun, | Harwood, | Morgan, |
| Barron, | Hatch, | Parker, |
| Bond, | Henkle, | Parran, |
| Brocks, | Hollyday, | Ridgely, |
| Carter, | Johnson, | Sands, |
| Chambers, | Jones, of Som., | Smith, of Dor., |
| Crawford, | Kennard, | Stockbridge, |
| Dail, | King, | Sykes, |
| Davis, of Charles, | Larsh, | Thomas, |
| Dent, | Lee, | Valliant, |
| Duvall, | Mitchell, | Wickard—35. |

So the question upon its adoption was decided in the negative.

Mr. Wickard submitted the following order :

Ordered, That the Secretary of this Convention be required to prepare a correct list of the members who have absented themselves from the regular sessions of the Convention, together with the number of times each member has so absented himself ;

Mr. Schley submitted the following amendment :

Amend by adding the words : Specifying the times when members absented themselves without leave of the Conven-

tion ; and also the times at which their absence prevented a quorum for business ;

Mr. Thomas moved to lay the amendment on the table,
Decided in the affirmative.

Mr. McComas submitted the following order :

Ordered, That the Correspondents of the Press having seats on this floor be respectfully requested to publish with their daily proceedings of the Convention, the names of all absentees from the sessions of the Convention except such as have been excused by the Convention, or have been reported to the Convention, as being prevented from attendance by sickness ;

Mr. Barron moved to lay the order on the table,
The question being on the adoption of the motion,
Mr. McComas demanded the yeas and nays,
The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|--------------------|-----------|--------------------|
| Messrs. | Edelen, | Mitchell, |
| Audoun, | Harwood, | Miller, |
| Barron, | Hatch, | Morgan, |
| Bond, | Henkle, | Parran, |
| Brooks, | Hollyday, | Ridgely, |
| Carter, | Hopkins, | Sands, |
| Chambers, | Johnson, | Smith, of Carroll, |
| Crawford, | Kennard, | Smith, of Dor., |
| Dail, | King, | Sykes, |
| Davis, of Charles, | Larsh, | Thomas, |
| Dent, | Lee, | Valliant—34. |
| Duvall, | Markey, | |

NEGATIVE.

| | | |
|-------------------|-----------|--------------|
| Messrs. | Galloway, | Parker, |
| Goldsborough, P't | Greene, | Pugh, |
| Abbott, | Hebb, | Russell, |
| Annan, | Hoffman, | Schley, |
| Belt, | Hopper, | Sneary, |
| Cunningham, | Keefer, | Stirling, |
| Cushing, | McComas, | Stockbridge, |
| Daniel, | Mullikin, | Swope, |

Davis, of Wash.,
Earle,
Ecker,

Murray,
Negley,
Nyman,

Wickard
Wooden—31.

So the question upon its adoption was decided in the affirmative.

The Report of the Committee on the Legislative Department,

Was taken up,

Mr. Ridgely gave notice that at the proper time he would submit the following amendment to the 39th section of the Report :

Sec. 39. The Governor, Comptroller and Tresurer of the State, are hereby authorized conjointly, or any two of them, to sell from time to time according to their best judgment the State's interest in the works of Internal Improvement, whether as stockholder or creditor, also the State's interest in any Banking Corporation, and to apply the proceeds arising therefrom towards the payment of the public debt of the State; and after the public debt shall have been fully paid off, or the sinking fund shall be equal to its liquidation, the excess of such sales shall be set apart as a permanent fund for the support of public education; provided however, that the power hereby conferred, shall only be exercised when the proceeds of such sales can be converted into a like amount of the public debt; and provided further, that the State's interest in the Washington Branch of the Baltimore and Ohio Rail Road, shall be and is hereby reserved and excepted from the sale hereby authorized; and provided further, that the State's interest in or claim against the Chesapeake and Ohio Canal, the Tide Water Canal, and the Chesapeake and Delaware Canal may be sold, upon the best terms which may be obtained for the same.

Mr. Chambers gave notice that he would submit the following amendment:

Sec. 39. It shall be the duty of the Legislature at its first session after the adoption of this Constitution, to provide by law for the sale to the highest bidder of all or such part of the stock owned by this State in any Rail Road or Canal Company, and of the debt due to this State by any Rail Road or Canal Company as can be sold or exchanged for not less than an equal amount of the present public or stock debt of this State, and to convey the interest so sold to the purchaser or purchasers thereof; and so to proceed from time to time

until all such interest of the State in every such corporation shall be wholly sold and disposed of.

Mr. Miller gave notice that he would submit the following amendment :

Sec. 39. The Governor, Comptroller and Treasurer of the State, or any two of them, may sell from time to time, according to their best judgment, the State's interest in the works of internal improvement, whether as stockholder or creditor, and apply the proceeds towards the payment of the public debt of the State ; and after the public debt shall have been fully paid off, or the sinking fund shall be equal to its liquidation, the surplus of such sales shall be set apart as a permanent fund for the support of public education ; provided, however, that the power of sale hereby conferred, shall only be exercised when the proceeds of such sales can be converted into a like amount of the public debt ; and provided further, that the State's interest in the Washington Branch of the Baltimore and Ohio Rail Road Company shall be and is hereby reserved from the sale hereby authorized.

Mr. Jones, of Somerset, gave notice that he would submit the following amendment :

Amend 39th section by inserting after the word "creditor," in the 3rd line, these words, "except the State's right to receive one-fifth of the money arising from passengers over the Washington Branch of the Baltimore and Ohio Rail Road."

The question being on the adoption of the amendment submitted by Mr. Belt, to wit :

Amend section 47 by adding the following words at the end thereof: "Provided, however, that the General Assembly shall have no power to accept the cession of any such territory until after the existing civil war shall have been brought to a close ;"

Mr. Barron called the previous question.

The question being,

"Shall the main question be now put?"

It was decided in the affirmative.

The question again being on the adoption of the amendment submitted by Mr. Belt,

Mr. Belt demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|--------------------|----------------|--------------------|
| Messrs. | Dent, | Lee, |
| Belt, | Edelen, | Mitchell, |
| Bond, | Henkle, | Miller, |
| Chambers, | Hollyday, | Morgan, |
| Crawford, | Johnson, | Parran, |
| Dail, | Jones, of Som. | Smith, of Dor.—18. |
| Davis, of Charles, | | |

NEGATIVE.

| | | |
|-------------------|-----------|--------------------|
| Messrs. | Hatch, | Pugh, |
| Goldsborough, P't | Hebb, | Ridgely, |
| Abbott, | Hoffman, | Russell, |
| Annan, | Hopkins, | Sands, |
| Audoun, | Hopper, | Schley, |
| Barron, | Keefer, | Smith, of Carroll, |
| Brooks, | Kennard, | Sneary, |
| Carter, | King, | Stirling, |
| Cunningham, | Larsh, | Stockbridge, |
| Cushing, | Markey, | Swope, |
| Daniel, | McComas, | Sykes, |
| Davis, of Wash., | Mullikin, | Thomas, |
| Earle, | Murray, | Valliant, |
| Ecker, | Negley, | Wickard, |
| Galloway, | Nyman, | Wooden—46. |
| Greene, | Parker, | |

So the question upon its adoption was decided in the negative.

The question recurring upon the adoption of the 47th section, as reported by the Committee,

Mr. Miller demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|----------|--------------------|
| Messrs. | Hatch, | Pugh, |
| Goldsborough, P't | Hebb, | Ridgely, |
| Abbott, | Hoffman, | Russell, |
| Annan, | Hopkins, | Sands, |
| Audoun, | Hopper, | Schley, |
| Barron, | Keefer, | Smith, of Carroll, |
| Brooks, | Kennard, | Sneary, |

| | | |
|------------------|-----------|--------------|
| Carter, | King, | Stirling, |
| Cunningham, | Larsh, | Stockbridge, |
| Cushing, | Markey, | Swope, |
| Daniel, | McComas, | Sykes, |
| Davis, of Wash., | Mullikin, | Thomas, |
| Earle, | Murray, | Valliant, |
| Ecker, | Negley, | Wickard, |
| Galloway, | Nyman, | Wooden—46. |
| Greene, | Parker, | |

NEGATIVE.

| | | |
|--------------------|-----------|--------------------|
| Messrs. | Dent, | Jones, of Som |
| Belt, | Duvall, | Lee, |
| Bond, | Edelen, | Mitchell, |
| Chambers, | Harwood, | Miller, |
| Crawford, | Henkle, | Morgan, |
| Dail, | Hollyday, | Parran, |
| Davis, of Charles, | Johnson, | Smith, of Dor.—20. |

So the question upon its adoption was decided in the affirmative.

The Convention then returned to the consideration of the 19th section, which had been informally passed over :

The question being on the adoption of the amendment submitted by Mr. Stockbridge, to.wit :

Section 19. Amend by striking out the section and inserting :

The Legislature shall not pass local or special laws in any of the following enumerated cases, viz :

For the punishment of crimes and misdemeanors, regulating the practice of Courts of Justice, or authorizing or directing the trial of any case in any Court ;

For the assessment and collection of taxes for State or County purposes, or extending the time for the collection of taxes ;

Providing for the support of public schools, the preservation of school funds, the location or the regulation of school houses ;

Granting divorces ;

Changing the names of persons ;

Conferring rights of citizenship upon minors or foreigners ;

Relating to fees or salaries ;

Relating to the interest on money;

Providing for regulating the election or compensation of State or County officers, or designating the places of voting, or the boundaries of election districts ;

Providing for the sale of real estate belonging to minors or other persons laboring under legal disabilities, by executors, administrators, guardians or trustees ;

Giving effect to informal or invalid deeds or wills ;

Refunding money paid into the State Treasury, or releasing persons from their debts or obligations to the State, unless recommended by the Governor and officers of the Treasury Department ;

Or establishing, locating or affecting the construction of roads.

Mr. Chambers submitted the following amendment to the amendment :

Amend by striking out the words "changing the names of persons, conferring the rights of citizenship upon minors and foreigners ;"

The question then being upon the adoption of the amendment to the amendment,

It was decided in the affirmative.

Mr. Belt submitted the following amendment :

Add to the end of section 19 the words "The General Assembly shall have power, from time to time, in its discretion, to pass general laws providing for the exercise by the Courts of law or equity, or other local authorities, of such powers and duties, not necessarily legislative in their character, having reference to private or local affairs, which are now exercised and performed by the General Assembly;"

The question being on the adoption of the amendment submitted by Mr. Belt,

It was decided in the negative.

The question recurring upon the adoption of the amendment submitted by Mr. Stockbridge,

On motion of Mr. Ridgely,

The subject was divided.

The question then being on the adoption of the first clause of the amendment, to wit:

“The Legislature shall not pass local or special laws in any of the following enumerated cases, viz: For the punishment of crimes and misdemeanors regulating the practice of Courts of Justice, or authorizing or directing the trial of any case in any Court;”

Mr. Thomas demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows:

AFFIRMATIVE.

| | | |
|-------------------|-----------|--------------|
| Messrs. | Hopper, | Nyman, |
| Goldsborough, P't | Keefer, | Parker, |
| Abbott, | Kennard, | Pugh, |
| Annan, | Larsh, | Ridgely, |
| Daniel, | Markey, | Russell, |
| Earle, | McComas, | Sands, |
| Galloway, | Mullikin, | Sneary, |
| Hebb, | Murray, | Stockbridge, |
| Hoffman, | Negley, | Sykes—27. |
| Hopkins, | | |

NEGATIVE.

| | | |
|--------------------|-----------------|--------------------|
| Messrs. | Dent, | Miller, |
| Audoun, | Duvall, | Morgan, |
| Belt, | Ecker, | Parran, |
| Bond, | Edelen, | Schley, |
| Brooks, | Harwood, | Smith, of Carroll, |
| Chambers, | Henkle, | Smith, of Dor. |
| Crawford, | Hollyday, | Stirling, |
| Cunningham, | Johnson, | Swope, |
| Dail, | Jones, of Som., | Thomas, |
| Davis, of Charles, | King, | Valliant, |
| Davis, of Wash., | Mitchell, | Wooden—32. |

So the question upon its adoption was decided in the negative.

The question next being on the adoption of the second clause of the amendment, to wit: “For the assessment and collection of taxes for State or county purposes, or extending the time for the collection of taxes;”

It was decided in the affirmative.

The question next being on the adoption of the third clause

of the amendment, viz: "Providing for the support of public schools, the preservation of school funds, the location or the regulation of school houses ;"

Mr. Henkle demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|-----------|--------------|
| Messrs. | Galloway, | Parker, |
| Goldsborough, P't | Hebb, | Pugh, |
| Abbott, | Hopper, | Ridgely, |
| Annan, | Keefer, | Russell, |
| Audoun, | Kennard, | Sands, |
| Barron, | Larsh, | Sneary, |
| Brooks, | Markey, | Stockbridge, |
| Carter, | McComas, | Swope, |
| Crawford, | Mullikin, | Sykes, |
| Cunningham, | Murray, | Valliant, |
| Daniel, | Negley, | Wickard, |
| Earle, | Nyman, | Wooden—36. |
| Ecker, | | |

NEGATIVE.

| | | |
|--------------------|----------------|--------------------|
| Messrs. | Greene, | Lee, |
| Belt, | Harwood, | Mitchell, |
| Bond, | Hatch, | Miller, |
| Chambers, | Henkle, | Morgan, |
| Dail, | Hoffman, | Parran, |
| Davis, of Charles, | Hollyday, | Schley, |
| Davis, of Wash., | Hopkins, | Smith, of Carroll, |
| Dent, | Johnson, | Smith, of Dor. |
| Duvall, | Jones, of Som. | Stirling, |
| Edelen, | King, | Thomas—30. |

So the question upon its adoption was decided in the affirmative.

The question next being on the adoption of the fourth clause of the amendment, to wit: "Granting divorces ;"

It was decided in the affirmative.

The question next being on the fifth clause of the amendment, to wit: "Relating to fees or salaries."

Mr. Valliant submitted the following amendment :

Amend by adding "but may empower the local authorities

of the city of Baltimore and of the counties to do the same;”

The question upon its adoption was decided in the negative.

The question recurring upon the adoption of the amendment ;

It was decided in the affirmative.

The question next being on the adoption of the sixth clause of the amendment, to wit: “Relating to the interest on money ;”

It was decided in the affirmative.

The question next being on the adoption of the seventh clause of the amendment, to wit: “Providing for regulating the election or compensation of State or County officers, or designating the places of voting, or the boundaries of election districts.”

Mr. Valliant submitted the following amendment :

Strike out the word “State or,”

Decided in the negative.

The question recurring upon the adoption of the seventh clause ;

It was decided in the affirmative.

The question next being on the adoption of the eighth clause of the amendment, to wit: “Providing for the sale of real estate belonging to minors or other persons laboring under legal disabilities, by executors, administrators, guardians or trustees ;”

It was decided in the affirmative.

The question next being on the adoption of the ninth clause of the amendment, to wit: “Giving effect to informal or invalid deed or wills ;”

It was decided in the affirmative.

The question next being on the adoption of the tenth clause of the amendment, to wit: “Refunding money paid into the State Treasury or releasing persons from their debts or obligations to the State ;”

On motion of Mr. Edelen,
 The clause was sub-divided,
 The question then being on the first sub-division, to wit :
 "Refunding money paid into the State Treasury ;"
 Mr. Miller demanded the yeas and nays.
 The demand being sustained,
 The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|--------------------|-----------|--------------------|
| Messrs. | Ecker, | Nyman, |
| Goldsborough, Pt. | Galloway, | Parker, |
| Abbott, | Greene, | Pugh, |
| Annan, | Hebb, | Ridgely, |
| Barron, | Hoffman, | Russell, |
| Bond, | Hollyday, | Sands, |
| Brooks, | Hopkins, | Schley, |
| Carter, | Hopper, | Smith, of Carroll, |
| Chambers, | Keefer, | Smith, of Dor., |
| Crawford, | Kennard, | Sneary, |
| Cunningham, | Larsh, | Stockbridge, |
| Dail, | Markey, | Swope, |
| Daniel, | McComas, | Sykes, |
| Davis, of Charles, | Mullikin, | Valliant, |
| Davis, of Wash., | Murray, | Wickard, |
| Earle, | Negley, | Wooden—46. |

NEGATIVE.

| | | |
|----------|-----------------|------------|
| Messrs. | Hatch, | Miller, |
| Belt, | Henkle, | Morgan, |
| Dent, | Jones, of Som., | Parran, |
| Duvall, | King, | Stirling, |
| Edelen, | Lee, | Thomas—16. |
| Harwood, | Mitchell, | |

So the question upon its adoption was decided in the affirmative.

The question next being on the second sub-division, to wit :
 "or releasing persons from their debts or obligations to the State, unless recommended by the Governor and officers of the Treasury Department ;"

It was decided in the affirmative.

The question next being on the eleventh clause of the

amendment, to wit: "or establishing, locating or affecting the construction of roads;"

Mr. Keefer submitted the following amendment:

Add to end of paragraph, "and the repairing and building bridges;"

Decided in the affirmative.

The question again being on the adoption of the eleventh clause of the amendment as amended;

It was decided in the affirmative.

On motion of Mr. Bond,

The Convention took a recess until 8 o'clock this evening.

EVENING SESSION.

The Convention met at 8 o'clock, P. M.

All the members present except the following:

Messrs. Audoun, Baker, Barron, Berry, of Baltimore county, Berry, of Prince George's, Billingsley, Blackiston, Bond, Briscoe, Brooks, Brown, Carter, Clarke, Crawford, Dail, Davis, of Charles, Dellinger, Dennis, Duvall, Farrow, Gale, Galloway, Harwood, Hatch, Hodson, Horsey, Johnson, Jones, of Cecil, Keefer, Kennard, Lansdale, Larsh, Mace, Marbury, Mayhugh, Morgan, Noble, Peter, Purnell, Ridgely, Robinette, Sands, Schlosser, Scott, Smith, of Dorchester, Smith, of Worcester, Sykes, Thomas, Thruston, Todd, Turner, Valliant, Wickard, Wilmer—54.

There being no quorum present,

On motion of Mr. Miller,

The Convention adjourned.

SATURDAY, July 23d, 1864.

The Convention met at 10 o'clock, A. M.

Prayer by Rev. Mr. Patterson.

All the members present except the following :

Messrs. Baker, Barron, Berry, of Baltimore county, Berry, of Prince George's, Billingsley, Blackiston, Bond, Briscoe, Brown, Chambers, Clarke, Crawford, Cunningham, Davis, of Charles, Dellinger, Dennis, Gale, Galloway, Harwood, Hatch, Henkle, Hodson, Horsey, Johnson, Jones, of Cecil, Jones, of Somerset, Keefer, Kennard, Lansdale, Larsh, Mace, Marbury, Mayhugh, Noble, Peter, Purnell, Robinette, Sands, Schlosser, Scott, Smith, of Worcester, Thomas, Thruston, Turner—43.

The proceedings of yesterday were read and approved.

The Report of the Committee on the Legislative Department,

Was taken up.

Mr. Russell gave notice that at the proper time he would submit the following amendment :

“The General Assembly shall pass laws providing that the rites of marriage between any persons legally competent to contract marriage may be celebrated by any Minister of any religious denomination, by any Mayor of a city, by any Justice of the Peace, or in such manner as is usually practised by the society of people called Quakers ; and providing for the registration of all marriages, however solemnized in this State.”

Mr. Chambers submitted the following amendment :

Add to end of section 19, the words “and the General Assembly shall pass no special law for any case for which provision has been made by an existing general law ;”

Decided in the affirmative.

Mr. Hebb submitted the following amendment :

Add to end of section 9th, as amended, the words “The General Assembly, at its first session after the adoption of this Constitution, shall pass general laws providing for the

cases enumerated in this section, and for all other cases where a general law can be made applicable ;”

Decided in the affirmative.

The 31st section, which had been informally passed over, was next taken up.

On motion of Mr. Cushing,

The rules were suspended, and he submitted the following order :

Ordered, That the Committee on the Executive be instructed to report a provision in the Constitution conferring upon the Governor the veto power.

On motion of Mr. Ridgely,

The order was laid on the table.

Section 39 was next taken up.

Mr. Ridgely submitted the following amendment :

Strike out the section as reported, and insert the following :

“Sec. 39. The Governor, Comptroller and Treasurer of the State, are hereby authorized conjointly, or any two of them, to sell from time to time according to their best judgment the State’s interest in the works of Internal Improvement, whether as stockholder or creditor, also the State’s interest in any Banking Corporation, and to apply the proceeds arising therefrom towards the payment of the public debt of the State ; and after the public debt shall have been fully paid off, or the sinking fund shall be equal to its liquidation, the excess of such sales shall be set apart as a permanent fund for the support of public education ; provided however, that the power hereby conferred, shall only be exercised when the proceeds of such sales can be converted into a like amount of the public debt ; and provided further, that the State’s interest in the Washington Branch of the Baltimore and Ohio Rail Road, shall be and is hereby reserved and excepted from the sale hereby authorized ; and provided further, that the State’s interest in or claim against other works of internal improvement in the State, may be sold upon the best terms which may be obtained for the same.”

Mr. Chambers submitted the following amendment to the amendment :

Strike out all to the word “State” inclusive, in the fifth line, and insert :

“It shall be the duty of the Legislature at its first session after the adoption of this Constitution, to provide by law for the sale to the highest bidder of all or such part of the stock owned by this State in any Rail Road or Canal Company, and of the debt due to this State by any Rail Road or Canal Company as can be sold or exchanged for not less than an equal amount of the present public or stock debt of this State, and to convey the interest so sold to the purchaser or purchasers thereof, and so to proceed from time to time until all such interest of the State in every such corporation shall be wholly sold and disposed of; provided that the interest of the State in the Washington Branch of the Baltimore and Ohio Rail Road be reserved and exempted from such sale.”

The question being on the adoption of the amendment to the amendment,

Mr. Audoun demanded the yeas and nays ;

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-----------|-----------|------------|
| Messrs. | Edelen, | Morgan, |
| Belt, | Greene, | Parran, |
| Chambers, | Hollyday, | Schley, |
| Cushing, | Lee, | Stirling, |
| Dent, | Mitchell, | Wilmer—15. |
| Duvall, | | |

NEGATIVE.

| | | |
|-------------------|-----------|--------------------|
| Messrs. | Hebb, | Pugh, |
| Goldsborough, P't | Hoffman, | Ridgely, |
| Abbott, | Hopkins, | Russell, |
| Annan, | Hopper, | Smith, of Carroll, |
| Audoun, | King, | Smith of Dor., |
| Brooks, | Markey, | Sneary, |
| Carter, | McComas, | Stockbridge, |
| Dail, | Miller, | Swope, |
| Daniel, | Mullikin, | Sykes, |
| Davis, of Wash., | Murray, | Todd, |
| Earle, | Negley, | Valliant, |
| Ecker, | Nyman, | Wickard, |
| Farrow, | Parker, | Wooden—38. |

So the question upon its adoption was decided in the negative.

Mr. Chambers submitted the following amendment to the amendment:

Strike out all after the word "Treasurer," in the first line of amendment, and insert the words "or any two of them, are authorized and directed to sell to the highest bidder all or such part of the stock owned by this State in any Rail Road or Canal Company, and of the debt due to this State by any Rail Road or Canal Company as can be sold or exchanged for not less than an equal amount of the present public or stock debt of this State, and to convey the interest so sold to the purchaser or purchasers thereof; and so to proceed from time to time until all such interest of the State in every such corporation shall be wholly sold and disposed of; provided, that the interest of the State in the Washington Branch of the Baltimore and Ohio Rail Road, be reserved and exempted from such sale; and after the public debt shall have been fully paid off, or the sinking fund shall be equal to its liquidation, to create out of said proceeds a permanent fund for the support of public education;"

The question upon its adoption was decided in the negative.

Mr. Miller submitted the following amendment to the amendment:

Strike out the words "also the State's interest in any banking corporation;"

Decided in the negative.

Mr. Negley submitted the following amendment to the amendment:

"And provided further, That no corporation shall be permitted either directly or indirectly, to purchase the interest of the State in any of the public works hereby authorized to be sold, (so as to control their operations to the detriment of the public interest;)"

Decided in the negative.

The question recurring upon the adoption of the amendment submitted by Mr. Ridgely,

Mr. Abbott demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows:

AFFIRMATIVE.

| | | |
|----------|-----------|--------------------|
| Messrs. | Hopkins, | Ridgely, |
| Abbott, | Hopper, | Russell, |
| Annan, | King, | Smith, of Carroll, |
| Audoun, | McComas, | Stockbridge, |
| Brooks, | Miller, | Swope, |
| Carter, | Mullikin, | Sykes, |
| Daniel, | Murray, | Todd, |
| Earle, | Negley, | Valliant, |
| Ecker, | Nyman, | Wickard, |
| Farrow, | Parker, | Wooden—30. |
| Hoffman, | | |

NEGATIVE.

| | | |
|------------------|-----------|-----------------|
| Messrs. | Duvall, | Morgan, |
| Belt, | Edelen, | Parran, |
| Chambers, | Greene, | Pugh, |
| Cushing, | Hebb, | Smith, of Dor., |
| Dail, | Hollyday, | Sneary, |
| Davis, of Wash., | Lee, | Stirling, |
| Dent, | Mitchell, | Wilmer—20. |

So the question upon its adoption was decided in the affirmative.

Mr. Duvall submitted the following amendment :

Amend by adding to the end of section the words, "Provided, however, that no such sale shall be binding on the State until the same shall have been ratified by the General Assembly, after having been duly reported to the same ;"

Decided in the affirmative.

Mr. Hebb submitted the following amendment :

Amend by adding to the end of the section the words, "And provided further, that the State's interest in the Chesapeake and Ohio Canal shall not be sold for less than \$5,000,000."

Mr. Pugh moved to amend by inserting \$8,000,000 ;

Decided in the negative.

The question recurring upon the adoption of the amendment submitted by Mr. Hebb,

It was decided in the negative.

On motion of Mr. Daniel, (seconded by Messrs. Valliant and Todd,)

The vote on the amendment of Mr. Duvall was reconsidered.

On motion of Mr. Valliant,

The Convention adjourned until Monday next, 12 o'clock, M.

MONDAY, July 25th, 1864.

The Convention met at 12 o'clock, M.

Prayer by the Rev. Mr. Owen.

All the members present except the following :

Messrs. Baker, Barron, Belt, Berry, of Baltimore county, Berry, of Prince George's, Billingsley, Blackiston, Briscoe, Brooks, Clarke, Dellinger, Dennis, Gale, Galloway, Greene, Harwood, Henkle, Hodson, Hopper, Horsey, Johnson, Jones, of Cecil, Keefer, Lansdale, Mace, Marbury, Mayhugh, Morgan, Negley, Noble, Peter, Ridgely, Robinette, Schlosser, Scott, Smith, of Worcester, Sneary, Stirling, Thruston, Turner, Wickard—41.

The proceedings of Saturday were read and approved.

On motion of Mr. Todd,

It was ordered to be entered on the Journal, that the continued absence of Mr. Noble, of Caroline, from his seat in this Convention is occasioned by his serious illness.

On motion of Mr. Farrow,

It was ordered to be entered on the Journal, that the absence of Mr. Farrow from this body has been occasioned by his necessary attendance upon the Circuit Court for Worcester county, and had he been in his seat here he would have voted for all the resolutions and orders adopted by this Convention in relation to the late Rebel invasion, &c.

On motion of Mr. Audoun,

It was ordered to be entered on the Journal, that William Brooks, of Baltimore city, is absent from his seat on account of being engaged as one of the board of enrollment and draft in the drawing of the draft in said city.

The Report of the Committee on the Legislative Department,

Was taken up.

The question being on the adoption of the amendment submitted by Mr. Duvall, to wit :

Add to end of section 39 the words "provided however, that no such sale shall be binding on the State until the same shall have been ratified by the General Assembly, after having been duly reported to the same;"

Mr. Parran submitted the following amendment to the amendment :

Strike out all after the word "been," in the third line and insert the words "duly reported to, and ratified by the General Assembly at the first session thereof after such sale or sales."

On motion of Mr. King,

The further consideration of the amendments to section 39 was postponed.

Mr. Clarke gave notice that at the proper time he would submit the following amendment :

Strike out the section and insert :

"Sec. 39. The Governor, Comptroller and Treasurer of the State, are hereby authorized, conjointly or any two of them, subject to such regulations as the Legislature may from time to time prescribe, to exchange the State's interest in the Baltimore and Ohio Railroad for an equal amount of the bonds or registered debt now owing by the State, and to sell from time to time the State's interest in the other works of Internal Improvement, whether as stockholder or creditor, also the State's interest in any banking corporation, and receive in payment the bonds or registered debt now owing by the State, equal in amount to the price obtained for the State's said interest, provided that the interest of the State in the Washington Branch of the Baltimore and Ohio Rail Road be reserved and exempted from such sale."

Mr. Thomas gave notice that he would submit the following amendment:

After the word "debt" in the 14th line add the following:

But provided further, "That the State's interest in the Washington Branch of the Baltimore and Ohio Rail Road, and of the Main Stem of the Baltimore and Ohio Rail Road and of the Chesapeake and Ohio Canal shall be and is hereby reserved and excepted from the sale hereby authorized."

The 40th section was then taken up.

Mr. Davis, of Charles, submitted the following amendment:

Sec. 40. Strike out all after the word "Assembly," in the first line, and insert, "shall pass laws making appropriations to justly compensate the masters or claimants of slaves emancipated from servitude by the adoption of this Constitution;"

The question being on the adoption of the amendment,

Mr. Miller demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows:

AFFIRMATIVE.

| | | |
|---------------|--------------------|-----------------|
| Messrs. Bond, | Davis, of Charles, | Lee, |
| Brown, | Dent, | Mitchell, |
| Chambers, | Duvall, | Miller, |
| Clarke, | Edelen, | Parran, |
| Crawford, | Hollyday, | Smith, of Dor., |
| Dail, | Jones, of Som. | Wilmer—18. |

NEGATIVE.

| | | |
|-------------------|-----------|--------------------|
| Messrs. | Hebb, | Pugh, |
| Goldsborough, P't | Hoffman, | Purnell; |
| Abbott, | Hopkins, | Russell, |
| Annan, | Kennard, | Sands, |
| Audoun, | King, | Schley, |
| Carter, | Larsh, | Smith, of Carroll, |
| Cunningham, | Markey, | Stockbridge, |
| Cushing, | McComas, | Swope, |
| Daniel, | Mullikin, | Sykes, |
| Davis, of Wash., | Murray, | Thomas, |
| Earle, | Negley, | Todd, |
| Ecker, | Nyman, | Valliant, |
| Farrow, | Parker, | Wooden—39. |
| Hatch, | | |

So the question upon its adoption was decided in the negative.

Mr. Jones, of Somerset, moved that the further consideration of section 40 be informally passed over,

The question being on the adoption of the motion,

Mr. Sands demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|---------------|--------------------|-----------------|
| Messrs. Bond, | Davis, of Charles, | Lee, |
| Brown, | Dent, | Mitchell, |
| Chambers, | Duvall, | Miller, |
| Clarke, | Edelen, | Parran, |
| Crawford, | Hollyday, | Smith, of Dor., |
| Dail, | Jones, of Som. | Wilmer—18. |

NEGATIVE.

| | | |
|-------------------|-----------|--------------------|
| Messrs. | Hebb, | Pugh, |
| Goldsborough, P't | Hoffman, | Purnell, |
| Abbott, | Hopkins, | Russell, |
| Annan, | Kennard, | Sands, |
| Audoun, | King, | Schley, |
| Carter, | Larsh, | Smith, of Carroll, |
| Cunningham, | Markey, | Stockbridge, |
| Cushing, | McComas, | Swope, |
| Daniel, | Mullikin, | Sykes, |
| Davis, of Wash., | Murray, | Thomas, |
| Earle, | Negley, | Todd, |
| Ecker, | Nyman, | Valliant, |
| Farrow, | Parker, | Wooden—39. |
| Hatch, | | |

So the Convention refused to postpone the consideration of the section.

Mr. Dent submitted the following amendment :

Strike out section 40.

Mr. Hebb called the previous question ;

The question being,

“Shall the main question be now put?”

Mr. Miller demanded the yeas and nays;

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|-----------|--------------|
| Messrs. | Earle, | Murray, |
| Goldsborough, P't | Ecker, | Nyman, |
| Abbott, | Farrow, | Pugh, |
| Annan, | Hatch, | Purnell, |
| Andoun, | Hebb, | Russell, |
| Carter, | Kennard, | Schley, |
| Cunningham, | McComas, | Stockbridge, |
| Cushing, | Mullikin, | Thomas—24. |
| Davis, of Wash., | | |

NEGATIVE.

| | | |
|--------------------|-----------------|--------------------|
| Messrs. | Hoffman, | Parker, |
| Bond, | Hollyday, | Parran, |
| Brown, | Hopkins, | Sands, |
| Chambers, | Jones, of Som., | Smith, of Carroll, |
| Clarke, | King, | Smith, of Dor., |
| Crawford, | Larsh, | Swope, |
| Dail, | Lee, | Sykes, |
| Daniel, | Markey, | Todd, |
| Davis, of Charles, | Mitchell, | Valliant, |
| Dent, | Miller, | Wilmer, |
| Duvall, | Negley, | Wooden—33. |
| Edelen, | | |

So the Convention refused to allow the main question to be put.

At half-past two o'clock, Mr. Jones, of Somerset, moved that the Convention do now adjourn ;

Decided in the negative.

Mr. Brown submitted the following amendment :

Add to the end of the 40th section the words : “But shall by law, at the expense of the State, provide for the support and maintenance of such slaves so declared to be emancipated as may be unable to support themselves ;”

Pending the consideration of which,

On motion of Mr. Thomas,

The Convention took a recess until 8 o'clock.

EVENING SESSION.

The Convention met at 8 o'clock, P. M.

All the members present except the following :

Messrs. Baker, Barron, Belt, Berry, of Baltimore county, Berry, of Prince George's, Billingsley, Blackiston, Briscoe, Brooks, Carter, Crawford, Dail, Davis, of Charles, Dellinger, Dennis, Gale, Greene, Harwood, Henkle, Hodson, Hopper, Horsey, Johnson, Jones, of Cecil, Keefer, Lansdale, Larsh, Mace, Marbury, Mayhugh, Morgan, Noble, Ridgely, Robbinette, Schlosser, Scott, Smith, of Dorchester, Smith, of Worcester, Sneary, Thruston, Turner, Wickard, Wilmer—43.

The Convention resumed the consideration of the Report of the Committee on the Legislative Department,

The question being on the adoption of the amendment submitted by Mr. Brown,

After debate thereon,

Mr. Edelin having addressed the Convention for thirty minutes,

Mr. Jones, of Somerset, moved that his time be extended ;

The question being on the adoption of the motion,

Mr. Chambers demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-----------|-----------------|-----------|
| Messrs. | Dent, | Mitchell, |
| Bond, | Duvall, | Miller, |
| Brown, | Hollyday, | Parran, |
| Chambers, | Jones, of Som., | Peter—13. |
| Clarke, | Lee, | |

NEGATIVE.

| | | |
|-------------------|----------|-----------|
| Messrs. | Hatch, | Pugh, |
| Goldsborough, P't | Hebb, | Purnell, |
| Abbott, | Hoffman, | Russell, |
| Annan, | Hopkins, | Sands, |
| Audoun, | Kennard, | Schley, |
| Cunningham, | King, | Stirling, |

| | | |
|------------------|-----------|--------------|
| Cushing, | Markey, | Stockbridge, |
| Daniel, | McComas, | Swope, |
| Davis, of Wash., | Mullikin, | Sykes, |
| Earle, | Murray, | Thomas, |
| Ecker, | Negley, | Todd, |
| Farrow, | Nyman, | Valliant, |
| Galloway, | Parker, | Wooden—38. |

So the question upon its adoption was decided in the negative.

Mr. Duvall moved that the Convention do now adjourn,

Decided in the negative.

Mr. Audoun called the previous question ;

The question being,

“Shall the main question be now put?”

Mr. Jones, of Somerset, demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|-----------|--------------|
| Messrs. | Galloway, | Pugh, |
| Goldsborough, P't | Hatch, | Purnell, |
| Abbott, | Hebb, | Russell, |
| Annan, | Hoffman, | Schley, |
| Audoun, | Hopkins, | Stirling, |
| Cunningham, | Kennard, | Stockbridge, |
| Cushing, | King, | Swope, |
| Daniel, | Markey, | Sykes, |
| Davis, of Wash. | McComas, | Thomas, |
| Earle, | Mullikin, | Todd, |
| Ecker, | Murray, | Valliant, |
| Farrow, | Nyman, | Wooden—35. |

NEGATIVE.

| | | |
|---------|-----------------|-----------|
| Messrs. | Edelen, | Negley, |
| Bond, | Hollyday, | Parker, |
| Brown, | Jones, of Som., | Parran, |
| Clarke, | Lee, | Peter, |
| Dent, | Mitchell, | Sands—16. |
| Duvall, | Miller, | |

So the call for the previous question was sustained.

The question then being on the adoption of the amendment submitted by Mr. Brown,

It was decided in the negative.

Mr. Hebb moved a call of the Convention;

The call being sustained,

The roll was called, and the following members responded:

Messrs. Goldsborough, (President,) Abbott, Annan, Audoun, Bond, Brown, Clarke, Cunningham, Cushing, Daniel, Davis, of Washington, Dent, Duvall, Earle, Ecker, Edelen, Farrow, Galloway, Hatch, Hebb, Hoffman, Hollyday, Hopkins, Jones, of Somerset, Kennard, King, Lee, Markey, McComas, Mitchell, Miller, Mullikin, Murray, Negley, Nyman, Parker, Parran, Peter, Pugh, Purnell, Russell, Sands, Schley, Stirling, Stockbridge, Swope, Sykes, Thomas, Todd, Valliant, Wooden—51.

On motion of Mr. Stirling,

Further proceedings under the call were dispensed with.

The question next being upon the adoption of the amendment submitted by Mr. Dent, to strike out the 40th section;

Mr. Dent demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|---------|-----------------|-----------|
| Messrs. | Duvall, | Mitchell, |
| Bond, | Edelen, | Miller, |
| Brown, | Hollyday, | Parran, |
| Clarke, | Jones, of Som., | Peter—13. |
| Dent, | Lee, | |

NEGATIVE.

| | | |
|-------------------|-----------|--------------|
| Messrs. | Hatch, | Pugh, |
| Goldsborough, P't | Hebb, | Purnell, |
| Abbott, | Hoffman, | Russell, |
| Annan, | Hopkins, | Sands, |
| Audoun, | Kennard, | Schley, |
| Cunningham, | King, | Stirling, |
| Cushing, | Markey, | Stockbridge, |
| Daniel, | McComas, | Swope, |
| Davis, of Wash. | Mullikin, | Sykes, |
| Earle, | Murray, | Thomas, |

Ecker,
Farrow,
Galloway,

Negley,
Nyman,
Parker,

Todd,
Valliant,
Wooden—38.

So the question upon its adoption was decided in the negative.

The question recurring upon the adoption of the 40th section of the report,

Mr. Miller demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|-----------|--------------|
| Messrs. | Hatch, | Pugh, |
| Goldsborough, P't | Hebb, | Purnell, |
| Abbott, | Hoffman, | Russell, |
| Annan, | Hopkins, | Sands, |
| Audoun, | Kennard, | Schley, |
| Cunningham, | King, | Stirling, |
| Cushing, | Markey, | Stockbridge, |
| Daniel, | McComas, | Swope, |
| Davis, of Wash., | Mullikin, | Sykes, |
| Earle, | Murray, | Thomas, |
| Ecker, | Negley, | Todd, |
| Farrow, | Nyman, | Valliant, |
| Galloway, | Parker, | Wooden—38. |

NEGATIVE.

| | | |
|---------|----------------|-----------|
| Messrs. | Duvall, | Mitchell, |
| Bond, | Edelen, | Miller, |
| Brown, | Hollyday, | Parran, |
| Clarke, | Jones, of Som. | Peter—13. |
| Dent, | Lee, | |

So the question upon its adoption was decided in the affirmative.

Mr. Miller submitted the following amendment :

Insert as an additional section the following:

“Section --. The Legislature shall provide by law and make appropriations from the Treasury, if necessary, for the comfortable support and maintenance of such slaves manumitted by the adoption of this Constitution as may, by reason of age or other cause, be unable to support and maintain themselves.”

Mr. Jones, of Somerset, submitted the following amendment to the amendment :

Add to the amendment the words, "Provided that all slaves who, at the time that this Constitution shall go into effect, shall be manumitted thereby, and shall be minors, shall be thenceforth in the condition of negro apprentices, under the law of this State, to their owner; males until they shall arrive at the age of twenty-one years, and females until they shall arrive at the age of eighteen years."

Mr. Miller moved that the Convention do now adjourn ;

The question being on the adoption of the motion to adjourn,

Mr. Stirling demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|-----------------|--------------|
| Messrs. | Edelen, | Miller, |
| Goldsborough, P't | Hoffman, | Parker, |
| Bond, | Hollyday, | Parran, |
| Brown, | Jones, of Som., | Peter, |
| Clarke, | King, | Stockbridge, |
| Dent, | Lee, | Thomas—19. |
| Duvall, | Mitchell, | |

NEGATIVE.

| | | |
|------------------|-----------|------------|
| Messrs. | Galloway, | Purnell, |
| Abbott, | Hatch, | Russell, |
| Annan, | Hebb, | Sands, |
| Audoun, | Hopkins, | Schley, |
| Cunningham, | Kennard, | Stirling, |
| Cushing, | Markey, | Swope, |
| Daniel, | McComas, | Sykes, |
| Davis, of Wash., | Murray, | Todd, |
| Earle, | Negley, | Valliant, |
| Ecker, | Nyman, | Wooden—31. |
| Farrow, | Pugh, | |

So the Convention refused to adjourn.

The question then being on the adoption of the amendment to the amendment,

Mr. Jones, of Somerset, demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------|-----------------|-----------|
| Messrs. | Edelen, | Mitchell, |
| Bond, | Hollyday, | Miller, |
| Clarke, | Jones, of Som., | Parran, |
| Cunningham, | Lee, | Peter, |
| Dent, | Markey, | Sykes—15. |
| Duvall, | | |

NEGATIVE.

| | | |
|-------------------|-----------|--------------|
| Messrs. | Hatch, | Pugh, |
| Goldsborough, P't | Hebb, | Purnell, |
| Abbott, | Hoffman, | Russell, |
| Annan, | Hopkins, | Sands, |
| Audoun, | Kennard, | Schley, |
| Cushing, | King, | Stirling, |
| Daniel, | McComas, | Stockbridge, |
| Davis, of Wash., | Mullikin, | Swope, |
| Earle, | Murray, | Thomas, |
| Ecker, | Negley, | Todd, |
| Farrow, | Nyman, | Valliant, |
| Galloway, | Parker, | Wooden—35. |

So the question upon its adoption was decided in the negative.

Mr. Dent moved that the Convention do now adjourn.

The question being on the adoption of the motion to adjourn,

Mr. Pugh demanded the yeas and nays ;

The demand being sustained,

The yeas and nays were called, and appeared as follows:

AFFIRMATIVE.

| | | |
|-------------|-----------------|-----------|
| Messrs. | Hoffman, | Mullikin, |
| Bond, | Hollyday, | Parker, |
| Clarke, | Jones, of Som., | Parran, |
| Cunningham, | King, | Peter, |
| Daniel, | Lee, | Russell, |
| Dent, | Markey, | Swope, |
| Duvall, | Mitchell, | Thomas, |
| Edelen, | Miller, | Todd—24. |
| Galloway, | | |

NEGATIVE.

| | | |
|-------------------|----------|--------------|
| Messrs. | Farrow, | Pugh, |
| Goldsborough, P't | Hatch, | Purnell, |
| Abbott, | Hebb, | Sands, |
| Annan, | Hopkins, | Schley, |
| Audoun, | Kennard, | Stirling, |
| Cushing, | McComas, | Stockbridge, |
| Davis, of Wash., | Murray, | Sykes, |
| Earle, | Negley, | Valliant, |
| Ecker, | Nyman, | Wooden—26. |

So the Convention refused to adjourn.

The question then recurring upon the adoption of the amendment submitted by Mr. Miller,

Mr. Miller demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|---------|-----------------|-----------|
| Messrs. | Edelen, | Mitchell, |
| Clarke, | Hollyday, | Miller, |
| Dent, | Jones, of Som., | Parran, |
| Duvall, | Lee, | Peter—11. |

NEGATIVE.

| | | |
|-------------------|-----------|--------------|
| Messrs. | Hatch, | Pugh, |
| Goldsborough, P't | Hebb, | Purnell, |
| Abbott, | Hoffman, | Russell, |
| Annan, | Hopkins, | Sands, |
| Audoun, | Kennard, | Schley, |
| Cunningham, | King, | Stirling, |
| Cushing, | Markey, | Stockbridge, |
| Daniel, | McComas, | Swope, |
| Davis, of Wash., | Mullikin, | Sykes, |
| Earle, | Murray, | Thomas, |
| Ecker, | Negley, | Todd, |
| Farrow, | Nyman, | Valliant, |
| Galloway, | Parker, | Wooden—38. |

No quorum voting,

Mr. Audoun moved a call of the Convention.

The motion being sustained,

The roll was called, and the following members responded :

Messrs. Goldsborough, (President,) Abbott, Annan, Audoun, Clarke, Cunningham, Cushing, Daniel, Davis, of Washington, Dent, Duvall, Earle, Ecker, Edelen, Farrow, Galloway, Hatch, Hebb, Hoffman, Hollyday, Hopkins, Jones, of Somerset, Kennard, King, Lee, Markey, McComas, Mitchell, Miller, Mullikin, Murray, Negley, Nyman, Parker, Parran, Peter, Pugh, Purnell, Russell, Sands, Schley, Stirling, Stockbridge, Swope, Sykes, Thomas, Todd, Valiant, Wooden—49.

On motion of Mr. Jones, of Somerset,

Further proceedings under the call were dispensed with.

Mr. Daniel moved that the Convention do now adjourn ;

The question being on the adoption of the motion,

Mr. Cushing demanded the yeas and nays ;

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|--------------------|--------------|
| Messrs. | Hopkins, | Parran, |
| Goldsborough, Pt. | Jones, of Somerset | Peter, |
| Annan, | Kennard, | Russell, |
| Clarke, | King, | Sands, |
| Daniel, | Lee, | Stockbridge, |
| Dent, | Mitchell, | Swope, |
| Duvall, | Miller, | Sykes, |
| Edelen, | Mullikin, | Thomas, |
| Hoffman, | Nyman, | Todd—28. |
| Hollyday, | Parker, | |

NEGATIVE.

| | | |
|------------------|-----------|------------|
| Messrs. | Farrow, | Negley, |
| Abbott, | Galloway, | Pugh, |
| Audoun, | Hatch, | Purnell, |
| Cunningham, | Hebb, | Schley, |
| Cushing, | Markey, | Stirling, |
| Davis, of Wash., | McComas, | Valliant, |
| Earle, | Murray, | Wooden—21. |
| Ecker, | | |

So the Convention adjourned.

TUESDAY, July 26, 1864.

The Convention met at 10 o'clock, A. M.

Prayer by the Rev. Mr. McNemar.

All the Members present except the following :

Messrs. Baker, Berry, of Baltimore county, Billingsley, Briscoe, Brooks, Clarke, Dellinger, Dennis, Gale, Greene, Harwood, Henkle, Hodson, Johnson, Jones, of Somerset, Keefer, Lansdale, Larsh, Mace, Marbury, Mayhugh, Noble, Robinette, Schlosser, Scott, Smith, of Worcester, Thruston, Turner, Wickard—29.

The proceedings of yesterday were read and approved.

Mr. Valliant submitted the following order :

Ordered, That the State Librarian shall have bound 1000 copies of the Journal of Proceedings, and 1000 copies of the Debates of this Convention, at a cost not to exceed the rates per volume of binding the Laws and Journals of the last General Assembly, and shall distribute the same as the Laws and Journals are now distributed, and the same amount allowed by law, to pay the expenses of distributing the Laws and Journals, is hereby directed to be paid for distributing the Journal and Debates of this Convention. The remaining copies to remain in the Library;

Which was adopted.

Mr. Cushing gave notice that at the proper time he would submit the following amendment to section 39 of the report of the Committee on the Legislative Department :

Strike out the entire section and insert the following :

“Sec. 39. The Governor, Comptroller and Treasurer of the State are hereby authorized and directed conjointly or any two of them, to sell at the earliest practicable period to the highest bidder for cash, in lawful money of the United States, the State's interest in the works of Internal Improvement, whether as stockholder or creditor, except the State's interest in the Washington Branch of the Baltimore and Ohio Rail Road, which shall be and hereby is reserved and excepted from the sale hereby authorized and directed, and to apply the proceeds arising from such sale towards the payment of the public debt of the State, and after the public debt shall have been fully paid off, or the sinking fund shall be equal to

its liquidation, the excess of such sale shall be set apart as a permanent fund for the support of public education;

Provided however, That the stock held by the State in the Main Stem of the Baltimore and Ohio Rail Road shall not be sold for less than its par value in lawful money of the United States, and provided further, that the interest held by the State in the Chesapeake and Ohio Canal shall not be sold for a less sum than five millions of dollars, and under such regulations as the Legislature may prescribe.

Mr. McComas, gave notice that at the proper time he would submit the following amendment to section 39, of said Report:

Add to said section the following:

“Provided however, that prior to any of said sales having been effected, that notices of the powers conferred by this section and the amount of said interests, shall have been published at least three times in two newspapers supposed to have the largest circulation in Baltimore, Philadelphia, New York, Boston, Cincinnati, Chicago, St. Louis, Liverpool, London and Paris, and that they shall receive sealed proposals for the same, for at least — months after the ratification of this Constitution by the people of the State, and reserving to themselves the right to reject or accept any or all proposals thus made.

On motion of Mr. Purnell,

It was ordered to be entered on the Journal, that Mr. Smith, of Worcester county, is detained from his seat in the Convention by sickness in his family.

On motion of Mr. Cunningham,

It was ordered to be entered on the Journal, that the continued absence of Mr. Baker, of Frederick county, is caused by sickness.

The Report of the Committee on the Legislative Department was then taken up.

The question being on the adoption of the amendment as submitted by Mr. Miller, viz:

Insert as an additional section the following:

“Section —. The Legislature shall provide by law and make appropriations from the Treasury, if necessary, for the comfortable support and maintenance of such slaves manumitted by the adoption of this Constitution as may, by reason

of age or other cause, be unable to support and maintain themselves."

Mr. Pugh called the previous question,

The question being,

"Shall the main question be now put?"

Mr. Berry, of Prince George's, demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|-----------|------------|
| Messrs. | Galloway, | Parker, |
| Goldsborough, P't | Hatch, | Pugh, |
| Abbott, | Hebb, | Purnell, |
| Annan, | Hoffman, | Ridgely, |
| Audoun, | Hopkins, | Russell, |
| Barron, | Hopper, | Sands, |
| Carter, | Kennard, | Schley, |
| Cunningham, | King, | Sneary, |
| Cushing, | Markey, | Stirling, |
| Daniel, | McComas, | Swope, |
| Davis, of Wash., | Mullikin, | Sykes, |
| Earle, | Murray, | Thomas, |
| Ecker, | Negley, | Todd, |
| Farrow, | Nyman, | Wooden—41. |

NEGATIVE.

| | | |
|--------------------|------------------|----------------|
| Messrs. | Dent, | Mitchell, |
| Berry, of P. Geo. | Duvall, | Miller, |
| Blackiston, | Edelen, | Morgan, |
| Bond, | Hollyday, | Parran, |
| Brown, | Horse, | Peter, |
| Chambers, | Jones, of Cecil, | Smith, of Dor. |
| Crawford, | Jones, of Som., | Stockbridge, |
| Dail, | Lee, | Valliant, |
| Davis, of Charles, | Marbury, | Wilmer—26. |

So the call for the previous question was sustained ;

The question then being on the adoption of the amendment submitted by Mr. Miller,

Mr. Berry, of Prince George's, demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|--------------------|----------------|-----------------|
| Messrs. | Dent, | Mitchell, |
| Berry, of P. Geo., | Duvall, | Miller, |
| Blackiston, | Edelen, | Morgan, |
| Bond, | Hollyday, | Parran, |
| Brown, | Horsey, | Peter, |
| Chambers, | Jones, of Som. | Smith, of Dor., |
| Crawford, | Lee, | Valliant, |
| Dail, | Marbury, | Wilmer—24. |
| Davis, of Charles, | | |

NEGATIVE.

| | | |
|-------------------|------------------|--------------|
| Messrs. | Hatch, | Pugh, |
| Goldsborough, P't | Hebb, | Purnell, |
| Abbott, | Hoffman, | Ridgely, |
| Annan, | Hopkins, | Russell, |
| Audoun, | Hopper, | Sands, |
| Barron, | Jones, of Cecil, | Schley, |
| Carter, | Kennard, | Sneary, |
| Cunningham, | King, | Stirling, |
| Cushing, | Markey, | Stockbridge, |
| Daniel, | McComas, | Swope, |
| Davis, of Wash., | Mullikin, | Sykes, |
| Earle, | Murray, | Thomas, |
| Ecker, | Negley, | Todd, |
| Farrow, | Nyman, | Wooden—43. |
| Galloway, | Parker, | |

So the question upon its adoption was decided in the negative.

Mr. Duvall submitted the following amendment as an additional section of said report :

Sec. —. The General Assembly shall have power to pass such laws as are necessary to provide for the distribution of any appropriation hereafter made by the General Government to the State of Maryland, to enable the State to compensate the masters or claimants of slaves emancipated from servitude by the adoption of this Constitution.

Mr. Jones, of Somerset, submitted the following amendment to said amendment :

Add to proposed section the following: "Or taken away from their owners under authority of the President of the United States, whereby their services have been lost to their said owners."

The question being on the adoption of the said amendment to the amendment,

Mr. Barron called the previous question,

The question being,

“Shall the main question be now put?”

Mr. Miller demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|------------------|--------------|
| Messrs. | Hatch, | Pugh, |
| Goldsborough, P't | Hebb, | Purnell, |
| Abbott, | Hoffman, | Ridgely, |
| Annan, | Hopkins, | Russell, |
| Audoun, | Hopper, | Sands, |
| Barron, | Jones, of Cecil, | Schley, |
| Carter, | Kennard, | Stirling, |
| Cunningham, | King, | Stockbridge, |
| Cushing, | Markey, | Swope, |
| Daniel, | McComas, | Sykes, |
| Davis, of Wash., | Mullikin, | Thomas, |
| Earle, | Murray, | Todd, |
| Ecker, | Negley, | Valliant, |
| Farrow, | Nyman, | Wooden—43. |
| Galloway, | Parker, | |

NEGATIVE.

| | | |
|--------------------|--------------------|----------------|
| Messrs. | Davis, of Charles, | Marbury, |
| Berry, of P. Geo., | Dent, | Mitchell, |
| Blackiston, | Duvall, | Miller, |
| Bond, | Edelen, | Morgan, |
| Brown, | Hollyday, | Parran, |
| Chambers, | Horsey, | Peter, |
| Crawford, | Jones of Somerset, | Smith of Dor., |
| Dail, | Lee, | Wilmer—23. |

So the call for the previous question was sustained.

The question then being on the adoption of the amendment to the amendment as submitted by Mr. Jones, of Somerset,

It was decided in the negative.

Mr. Stirling submitted the following amendment to the amendment :

Strike out all the proposed amendment after the word "The," and insert the following :

"General Assembly shall have power to receive from the United States any grant or donation of land, money or securities for any purpose designated by the United States, and shall administer or distribute the same according to the conditions of the said grant ;"

Which was adopted.

The question then recurring on the adoption of the section as amended,

Mr. Sands demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|--------------------|------------------|-----------------|
| Messrs. | Ecker, | Murray, |
| Goldsborough, P't | Edelen, | Negley, |
| Abbott, | Farrow, | Nyman, |
| Annan, | Galloway, | Parker, |
| Audoun, | Hebb, | Parran, |
| Barron, | Hoffman, | Peter, |
| Berry, of P. Geo., | Hollyday, | Pugh, |
| Blackiston, | Hopkins, | Purnell, |
| Bond, | Hopper, | Ridgely, |
| Brown, | Horsey, | Russell, |
| Carter, | Jones, of Cecil, | Sands, |
| Chambers, | Jones, of Som., | Schley, |
| Crawford, | Kennard, | Smith, of Dor., |
| Cunningham, | King, | Stirling, |
| Cushing, | Lee, | Stockbridge, |
| Dail, | Marbury, | Swope, |
| Daniel, | Markey, | Sykes, |
| Davis, of Charles, | McComas, | Thomas, |
| Davis, of Wash., | Mitchell, | Todd, |
| Dent, | Miller, | Valliant, |
| Duvall, | Morgan, | Wilmer, |
| Earle, | Mullikin, | Wooden—65. |

NEGATIVE.—Mr. Hatch, 1.

So the question upon its adoption was decided in the affirmative.

Mr. Thomas gave notice that at the proper time he would submit the following as an additional section :

“Sec. —. Laws shall be passed by the Legislature taxing, by a uniform rule, all moneys, credits, investments in bonds, stocks, joint stock companies or otherwise, and also all real and personal property, according to its true or actual value in money, and the tax payable thereon shall be paid to the county or city where the same is located at the time of its assessment or valuation, and the location of all stocks, bonds or other evidence of debt shall be in the county or city where the principal office of transacting the business of such company or corporation is located ;”

The Convention then proceeded to the consideration of the 39th section of said Report.

The amendments submitted by Messrs. Duvall and Parran, on yesterday, were severally withdrawn.

On motion of Mr. Stockbridge,

The vote by which the amendment to said section, as submitted by Mr. Ridgely, was adopted on Saturday, was reconsidered

The question being upon the adoption of the following amendment as submitted by Mr. Ridgely, viz:

Strike out the section as reported, and insert the following:

“Sec. 39. The Governor, Comptroller and Treasurer of the State, are hereby authorized conjointly, or any two of them, to sell from time to time according to their best judgment the State’s interest in the works of Internal Improvement, whether as stockholder or creditor, also the State’s interest in any Banking Corporation, and to apply the proceeds arising therefrom towards the payment of the public debt of the State; and after the public debt shall have been fully paid off, or the sinking fund shall be equal to its liquidation, the excess of such sales shall be set apart as a permanent fund for the support of public education; provided however, that the power hereby conferred, shall only be exercised when the proceeds of such sales can be converted into a like amount of the public debt; and provided further, that the State’s interest in the Washington Branch of the Baltimore and Ohio Rail Road, shall be and is hereby reserved and excepted from the sale hereby authorized; and provided further, that the State’s interest in or claim against other works of internal improvement in the State, may be sold upon the best terms which may be obtained for the same.”

Mr. Thomas submitted the following amendment to said amendment:

After the word "debt" in the 14th line add the following :

But provided further, "That the State's interest in the Washington Branch of the Baltimore and Ohio Rail Road, and of the Main Stem of the Baltimore and Ohio Rail Road and of the Chesapeake and Ohio Canal shall be and is hereby reserved and excepted from the sale hereby authorized."

Pending the consideration of which,

On motion of Mr. Abbott,

The further consideration of the whole matter was informally passed over.

The following amendment to said Report, as submitted by Mr. Smith, of Carroll, viz :

Sec. — The Legislature shall make no appropriation, gift or endowment, directly or indirectly, in aid of, or for the use benefit or advantage of the State Agricultural College, or of its professors, agents or employees, or any of them.

Was then taken up.

On motion of Mr. Sands,

The further consideration of the subject was informally passed over.

Mr. Schley and Mr. Davis, of Washington, asked and obtained leave of absence for a few days.

The following amendment to said Report, as submitted by Mr. Russell, viz:

"The General Assembly shall pass laws providing that the rites of marriage between any persons legally competent to contract marriage may be celebrated by any Minister of any religious denomination, by any Mayor of a city, by any Justice of the Peace, or in such manner as is usually practised by the society of people called Quakers; and providing for the registration of all marriages, however solemnized in this State."

Was then taken up.

Pending the consideration of which,

On motion of Mr. Davis, of Washington,

The Convention took a recess until 8 o'clock.

EVENING SESSION.

The Convention met at 8 o'clock, P. M.

All the members present except the following :

Messrs. Audoun, Baker, Barron, Berry, of Baltimore county, Berry, of Prince George's, Billingsley, Briscoe, Brooks, Carter, Chambers, Crawford, Dail, Davis, of Charles, Dellinger, Dennis, Gale, Green, Hatch, Henkle, Hodson, Hoffman, Horsey, Johnson, Jones, of Cecil, Keefer, Larsh, Mace, Mayhugh, Morgan, Noble, Ridgely, Robinette, Schley, Schlosser, Scott, Smith, of Dorchester, Smith, of Worcester, Sykes, Thruston, Turner, Valliant, Wickard, Wilmer, Wooden—44.

The Convention resumed the consideration of the section submitted by Mr. Russell, as an amendment to the Report of the Committee on the Legislative Department, viz :

“The General Assembly shall pass laws providing that the rites of marriage between any persons legally competent to contract marriage may be celebrated by any Minister of any religious denomination, by any Mayor of a city, by any Justice of the Peace, or in such manner as is usually practised by the society of people called Quakers ; and providing for the registration of all marriages, however solemnized in this State.”

Mr. Belt submitted the following amendment to said section :

“Provided however, That the General Assembly shall not pass any law requiring the intervention of any Minister of the Gospel, or of any civil officer, or any registration as being necessary to the validity of any marriage which would otherwise be valid at common law, or under the existing laws of this State ;”

Which was rejected.

Mr. Sands submitted the following amendment :

Strike out all after “Assembly,” in the first line and insert :

“Shall pass laws providing that the rites of marriage between any persons inhabitants of this State, shall not be celebrated by any person within this State, unless by some Minister of religion, ordained according to the rites of his or her church, except in the case of persons members of the

society of Friends, commonly called Quakers, or persons intermarrying with members of that persuasion, between whom the marriage rites may be celebrated by the Mayor of any city of the State or any Justice of the Peace thereof, or in the manner usually practised by the members of that denomination ;”

Which was rejected.

Mr. Stirling submitted the following amendment :

Strike out all after the word “Assembly” and insert the following:

“Shall provide by law for the registration of births, marriages and deaths, and shall pass laws providing for the celebration of marriage between any inhabitants of this State not prohibited by law from marrying; and shall provide that any persons prevented by conscientious scruples from being married by any of the existing provisions of law, may be married by any Judge or Clerk of any Court of Record of this State.”

The question being on the adoption of the amendment,

Mr. Hebb demanded a division of the subject,

The question then being on the first branch, viz: “Shall provide by law for the registration of births, marriages and deaths, and shall pass laws providing for the celebration of marriage between any inhabitants of this State not prohibited by law from marrying;”

Mr. Daniel demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|-----------|--------------------|
| Messrs. | Hebb, | Purnell, |
| Goldsborough, Pt. | King, | Smith, of Carroll, |
| Abbott, | Markey, | Stirling, |
| Daniel, | Mullikin, | Stockbridge, |
| Davis, of Wash., | Nyman, | Swope, |
| Farrow, | Parker, | Todd—19. |
| Harwood, | | |

NEGATIVE.

| | | |
|-------------|-----------|-----------|
| Messrs. | Ecker, | Mitchell, |
| Annan, | Edelen, | Miller, |
| Belt, | Galloway, | Murray, |
| Blackiston, | Hollyday, | Negley, |

| | | |
|-------------|-----------------|------------|
| Bond, | Hopkins, | Parran, |
| Brown, | Hopper, | Peter, |
| Clarke, | Jones, of Som., | Pugh, |
| Cunningham, | Kennard, | Russell, |
| Cushing, | Lansdale, | Sands, |
| Dent, | Lee, | Sneary, |
| Duvall, | Marbury, | Thomas—34. |
| Earle, | McComas, | |

So the question upon its adoption was decided in the negative.

By general consent, Mr. Stirling withdrew the other branch of his amendment.

The question then recurring upon the adoption of the amendment submitted by Mr. Russell,

Mr. Stirling demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------|-----------|--------------|
| Messrs. | Galloway, | Pugh, |
| Abbott, | Hopper, | Purnell, |
| Annan, | McComas, | Russell, |
| Cunningham, | Nyman, | Stockbridge, |
| Cushing, | Parker, | Thomas—16. |
| Ecker, | Peter, | |

NEGATIVE.

| | | |
|-------------------|-----------------|--------------------|
| Messrs. | Farrow, | Mitchell, |
| Goldsborough, P't | Harwood, | Miller, |
| Belt, | Hebb, | Mullikin, |
| Blackiston, | Hollyday, | Murray, |
| Bond, | Hopkins, | Negley, |
| Brown, | Jones, of Som., | Parran, |
| Clarke, | Kennard, | Sands, |
| Daniel, | King, | Smith, of Carroll, |
| Davis, of Wash., | Lansdale, | Sneary, |
| Dent, | Lee, | Stirling, |
| Duvall, | Marbury, | Swope, |
| Earle, | Markey, | Todd—36. |
| Edelen, | | |

So the amendment was rejected.

Mr. Duvall submitted the following amendment to said Report :

“Sec. —. The General Assembly shall pass laws providing for the rites of marriage between any persons legally competent to contract marriage, and provide for the registration of all marriages, in whatever manner the same may be solemnized.”

On motion of Mr. Bond,
The Convention adjourned.

WEDNESDAY, July 27, 1864.

The Convention met at 10 o'clock, A. M.

Prayer by Rev. Mr. Davenport.

All the members present except the following :

Messrs. Baker, Belt, Berry, of Baltimore county, Billingsley, Brooks, Crawford, Davis, of Washington, Dennis, Gale, Greene, Henkle, Hodson, Hoffman, Johnson, Keefer, Mace, Mayhugh, Noble, Robinette, Schley, Schlosser, Scott, Smith, of Worcester, Thruston, Turner, Wickard—26.

The proceedings of yesterday were read and approved.

Mr. Blackiston presented a petition from Cornelius J. Scott and others, citizens of Kent county, asking a change in the place of holding the sessions of the Court of Appeals ;

Which was read and referred to the Committee on the Judiciary.

Mr. Wilmer submitted a similar petition from citizens of Queen Anne's county ;

Which was read and referred to the same Committee.

On motion of Mr. Blackiston,

It was ordered to be entered on the Journal, that had D. C. Blackiston been present on Saturday, July 9th, he would have voted nay on the resolution offered by Mr. Cushing, and also on the order offered on Tuesday, July 19th, by Mr. Schley,

and the resolution offered on July 20th, and in favor of the resolution offered by Mr. Belt on July 21st.

On motion of Mr. Clarke,

It was ordered that it be entered on the Journal, that if Mr. Clarke, of Prince George's county, had been present when the votes were taken upon the order offered by Mr. Schley, on Tuesday, July 19th, 1864, upon the order submitted by Mr. Sands on Wednesday, July 20th, 1864, and upon the resolutions offered by Mr. Stirling on Wednesday, July 20th, 1864, he would have voted in the negative.

On motion of Mr. Ridgely,

It was ordered that it be entered upon the Journal, upon the request of Mr. Mace, of Baltimore county, (absent from indisposition,) that the vote cast by him against the proposition of Mr. Schley, of Frederick, requesting the President of the United States and the military authorities in Maryland to assess upon the known rebels of the State the losses sustained by the loyal men of the State by the recent rebel raid, was so cast in entire misconception of the true state of the facts, and that upon more mature reflection and better information, he is convinced that the proposition was just and proper, and ought to have been adopted.

On motion of Mr. Barron,

It was ordered that it be entered on the Journal, that if John Barron had been present on Monday, July 25th, he would have voted for section 40 of the Legislative Department, as reported by the Committee.

On motion of Mr. Marbury,

It was ordered that it be entered on the Journal, that had Mr. Marbury, of Prince George's county, been present when the resolution of Mr. Cushing, of July 9th, the reprisal resolution of Mr. Schley, of July 19th, and the banishment resolution of Mr. Stirling, of July 20th, 1864, were presented, he would have voted in the negative.

On motion of Mr. Ridgely,

It was ordered that it be entered upon the Journal, that if Mr. Ridgely, of Baltimore county, had been present when the vote was taken upon the resolutions offered by Mr. Stirling, of Baltimore city, on Thursday, the 21st inst., relating to disloyalists, he would have voted for the resolutions.

The Report of the Committee on the Legislative Department,

Was then taken up.

The question being on the adoption of the amendment submitted by Mr. Duvall, to wit :

“Sec. —. The General Assembly shall pass laws providing for the rites of marriage between any persons legally competent to contract marriage, and provide for the registration of all marriages, in whatever manner the same may be solemnized.”

Mr. Duvall demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|---------|-----------|-------------|
| Messrs. | Duvall, | Nyman, |
| Abbott, | Hatch, | Parker, |
| Annan, | Lansdale, | Peter, |
| Carter, | Marbury, | Ridgely—11. |

NEGATIVE.

| | | |
|--------------------|------------------|--------------------|
| Messrs. | Farrow, | Murray, |
| Goldsborough, P't | Galloway, | Negley, |
| Audoun, | Harwood, | Parran, |
| Barron, | Hebb, | Pugh, |
| Berry, of P. G., | Hollyday, | Purnell, |
| Blackiston, | Hopkins, | Russell, |
| Bond, | Hopper, | Sands, |
| Briscoe, | Horsey, | Smith, of Carroll, |
| Brown, | Jones, of Cecil, | Smith, of Dor., |
| Chambers, | Jones, of Som. | Sneary, |
| Cunningham, | Kennard, | Stirling, |
| Cushing, | King, | Stockbridge, |
| Dail, | Larsh, | Swope, |
| Daniel, | Lee, | Sykes, |
| Davis, of Charles, | Markey, | Thomas, |
| Dellinger, | McComas, | Todd, |
| Dent, | Mitchell, | Valliant, |
| Earle, | Miller, | Wilmer, |
| Ecker, | Morgan, | Wooden—58. |
| Edelen, | Mullikin, | |

So the amendment was rejected.

On motion of Mr. Cushing,

The rules were suspended,

Mr. Cushing submitted the following order :

Ordered, That the President of the Convention be authorized to appoint an assistant secretary of the Convention, to serve during the indisposition and absence of Mr. Cole, and that the person so appointed receive the same compensation as is paid to the secretary ;

Which was adopted.

The consideration of the Report of the Committee on the Legislative Department,

Was resumed.

On motion of Mr. Stirling,

The vote, by which the amendment submitted by Mr. Russell, on yesterday, was rejected,

Was reconsidered.

The question then recurred upon the adoption of the amendment submitted by Mr. Stirling, to wit :

Strike out all after the word Assembly and insert ;

“Shall provide by law for the registration of births, marriages and deaths, and shall pass laws providing for the celebration of marriage between any persons legally competent to contract marriage, and shall provide that any persons prevented by conscientious scruples from being married by any of the existing provisions of law may be married by any Judge or Clerk of any Court of Record, or any Judge of the Orphan’s Court, or any Mayor of any incorporated city in this State ;”

Mr. Chambers moved to lay the subject on the table,

Which motion was lost.

Mr. Sands submitted the following amendment to said amendment as submitted by Mr. Stirling :

Amend by striking out the words “births,” and “deaths,” in the 1st and 2nd lines ;

Which was rejected.

The question then recurring upon the adoption of the amendment as submitted by Mr. Stirling ;

Mr. Chambers demanded a division of the subject.

The question being on the first branch of said amendment, to wit :

“Shall provide by law for the registration of births, marriages and deaths ;”

It was adopted.

The question being on the adoption of the second branch of said amendment, to wit :

“And shall pass laws providing for the celebration of marriage between any persons legally competent to contract marriage;”

Mr. Miller demanded the yeas and nays;

The demand being sustained,

The yeas and nays were called, and appeared as follows:

AFFIRMATIVE.

| | | |
|------------------|------------------|--------------------|
| Messrs. | Hatch, | Pugh, |
| Goldsbrough, P't | Hopkins, | Purnell, |
| Abbott, | Hopper, | Ridgely, |
| Annan, | Jones, of Cecil, | Russell, |
| Audoun, | Kennard, | Sands, |
| Barron, | King, | Smith, of Carroll, |
| Carter, | Lansdale, | Stirling, |
| Cunningham, | Larsh, | Stockbridge, |
| Cushing, | Markey, | Swope, |
| Daniel, | McComas, | Sykes, |
| Dellinger, | Mullikin, | Thomas, |
| Ecker, | Murray, | Todd, |
| Farrow, | Nyman, | Valliant, |
| Galloway, | Parker, | Wooden—43. |
| Harwood, | Peter, | |

NEGATIVE.

| | | |
|------------------|--------------------|-----------------|
| Messrs. | Dail, | Lee, |
| Belt, | Davis, of Charles, | Marbury, |
| Berry, of P. G., | Dent, | Mitchell, |
| Blackiston, | Duvall, | Miller, |
| Bond, | Earle, | Morgan, |
| Briscoe, | Hebb, | Parran, |
| Brown, | Hollyday, | Smith, of Dor., |
| Chambers, | Horsey, | Sneary, |
| Clarke, | Jones, of Som., | Wilmer—26. |

So the said matter was decided in the affirmative.

The question then being on the adoption of the third branch of said amendment, to wit:

“And shall provide that any persons prevented by conscientious scruples from being married by any of the existing provisions of law, may be married by any Judge or Clerk of any Court of Record, or any Judge of the Orphans’ Court, or any Mayor of any incorporated city in this State.”

Mr. Ridgely moved to amend by striking out the words “or any Judge of the Orphans’ Court,”

Which motion prevailed.

The question then recurring on the adoption of said third branch of said amendment,

Mr. Brown demanded the yeas and nays ;

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|------------------|--------------------|
| Messrs. | Galloway, | Peter, |
| Goldsborough, P’t | Hatch, | Pugh, |
| Abbott, | Hopkins, | Purnell, |
| Annan, | Hopper, | Ridgely, |
| Audoun, | Jones, of Cecil, | Russell, |
| Barron, | Kennard, | Sands, |
| Belt, | King, | Smith, of Carroll, |
| Briscoe, | Lansdale, | Stirling, |
| Carter, | Larsh, | Stockbridge, |
| Clarke, | Markey, | Swope, |
| Cunningham, | McComas, | Sykes, |
| Cushing, | Mullikin, | Thomas, |
| Daniel, | Murray, | Todd, |
| Dellinger, | Nyman, | Valliant, |
| Ecker, | Parker, | Wooden—45. |
| Farrow, | | |

NEGATIVE.

| | | |
|--------------------|-----------------|-----------------|
| Messrs. | Duvall, | Marbury, |
| Berry, of P. G. | Earle, | Mitchell, |
| Blackiston, | Edelen, | Miller, |
| Bond, | Harwood, | Morgan, |
| Brown, | Hebb, | Parran, |
| Chambers, | Hollyday, | Smith, of Dor., |
| Dail, | Horsey, | Sneary, |
| Davis, of Charles, | Jones, of Som., | Wilmer—25. |
| Dent, | Lee, | |

So the question upon its adoption was decided in the affirmative.

The question then recurring on the adoption of the amendment submitted by Mr. Russell, as amended,

Mr. Chambers demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|------------------|--------------------|
| Messrs. | Farrow, | Parker, |
| Goldsborough, P't | Galloway, | Peter, |
| Abbott, | Hatch, | Pugh, |
| Annan, | Hopkins, | Purnell, |
| Audoun, | Hopper, | Ridgely, |
| Barron, | Jones, of Cecil, | Russell, |
| Belt, | Kennard, | Sands, |
| Briscoe, | King, | Smith, of Carroll, |
| Carter, | Lansdale, | Stirling, |
| Clarke, | Larsh, | Stockbridge, |
| Cunningham, | Markey, | Swope, |
| Cushing, | McComas, | Thomas, |
| Daniel, | Mulikin, | Todd, |
| Dellinger, | Murray, | Valliant, |
| Ecker, | Nyman, | Wooden—44. |

NEGATIVE.

| | | |
|--------------------|----------------|-----------------|
| Messrs. | Earle, | Marbury, |
| Berry, of P. Geo., | Edelen, | Mitchell, |
| Blackiston, | Harwood, | Miller, |
| Bond, | Hebb, | Morgan, |
| Brown, | Hollyday, | Parran, |
| Chambers, | Horsey, | Smith, of Dor., |
| Davis, of Charles, | Jones, of Som. | Sneary, |
| Dent, | Lee, | Wilmer—24. |
| Duvall, | | |

So the question upon its adoption was decided in the affirmative.

By general consent Mr. Thomas withdrew the amendment to the Report of the said Committee as submitted by him on yesterday.

Mr. Clarke submitted the following section as an amendment to the Report of the said Committee on the Legislative Department:

Sec. — “The Legislature at its first session after the adoption of this Constitution shall provide a mode by which those persons who were owners of slaves under the laws of this State on the first day of January 1861, or at the time of the adoption of this Constitution, or during the intervening period may perpetuate the evidence of the number, names, ages and sex of the slaves so owned by them respectively, ’

The question being on its adoption,

Mr. Barron called the previous question ;

The question being,

“Shall the main question be now put?”

It was decided in the affirmative.

The question then recurring upon the adoption of the amendment as submitted by Mr. Clarke,

Mr. Clarke demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|--------------------|----------------|-----------------|
| Messrs. | Duvall, | Miller, |
| Belt, | Edelen, | Morgan, |
| Berry, of P. G. | Harwood, | Parker, |
| Blackiston, | Hollyday, | Parran, |
| Bond, | Horsey, | Peter, |
| Briscoe, | Jones, of Som. | Ridgely, |
| Brown, | King, | Smith, of Dor., |
| Chambers, | Lansdale, | Stockbridge, |
| Clarke, | Larsh, | Thomas, |
| Dail, | Lee, | Todd, |
| Davis, of Charles, | Marbury, | Wilmer—34. |
| Dent, | Mitchell, | |

NEGATIVE.

| | | |
|-------------------|------------------|-----------|
| Messrs. | Galloway, | Negley, |
| Goldsborough, P't | Hatch, | Nyman, |
| Abbott, | Hebb, | Pugh, |
| Annan, | Hopkins, | Purnell, |
| Audoun, | Hopper, | Russell, |
| Barron, | Jones, of Cecil, | Sands, |
| Cunningham, | Kennard, | Sneary, |
| Daniel, | Markey, | Stirling, |

| | | |
|---------|-----------|--------------|
| Earle, | McComas, | Swope, |
| Ecker, | Mullikin, | Sykes, |
| Farrow, | Murray, | Valliant—32. |

So the question upon its adoption was decided in the affirmative.

Mr. Belt submitted the following section as an amendment to said Report:

Sec. — “In all cases arising before the adoption of this Constitution, where inventories of negro slaves shall be returned by Executors or Administrators, and in which it shall happen that the estate in their hands would be insolvent without the appraised value of said negroes, the General Assembly shall make provision at its first session after the adoption of this Constitution, to pay to such Executors or Administrators for the benefit of said estates, the amount of the appraised value of such negro slaves, in each case respectively, or so much thereof as may be sufficient, together with other assets, to render the said estates solvent as to bona fide creditors, and the General Assembly shall pass all laws necessary to carry this section into effect.”

Mr. Barron submitted the following amendment:

At end of the amendment add, “And Baltimore city shall not be taxed for any negroes but those within her corporation.”

Mr. Thomas called the previous question.

The question being,

“Shall the main question be now put?”

It was decided in the affirmative.

The question then being on the adoption of the amendment to the amendment, as submitted by Mr. Barron,

Mr. Berry, of Prince George’s, demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE—None.

NEGATIVE.

| | | |
|-------------------|-----------|---------|
| Messrs. | Edelen, | Murray, |
| Goldsborough, P’t | Farrow, | Negley, |
| Abbott, | Galloway, | Nyman, |

| | | |
|--------------------|------------------|--------------------|
| Annan, | Harwood, | Parker, |
| Audoun, | Hatch, | Parran, |
| Barron, | Hebb, | Peter, |
| Belt, | Hollyday, | Pugh, |
| Berry, of P. Geo. | Hopkins, | Purnell, |
| Blackiston, | Hopper, | Ridgely, |
| Bond, | Horsey, | Russell, |
| Briscoe, | Jones, of Cecil, | Sands, |
| Brown, | Jones, of Som., | Smith, of Carroll, |
| Carter, | Kennard, | Smith, of Dor., |
| Chambers, | King, | Sneary, |
| Clarke, | Lansdale, | Stirling, |
| Cunningham, | Larsh, | Stockbridge, |
| Cushing, | Lee, | Swope, |
| Dail, | Marbury, | Sykes, |
| Daniel, | Markey, | Thomas, |
| Davis, of Charles, | McComas, | Todd, |
| Dellinger, | Mitchell, | Valliant, |
| Dent, | Miller, | Wilmer, |
| Duvall, | Morgan, | Wooden—71. |
| Earle, | Mullikin, | |
| Ecker, | | |

So the amendment was rejected.

The question then recurring upon the adoption of the amendment as submitted by Mr. Belt,

Mr. Miller demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

| | | |
|--------------------|--------------------|----------------|
| Messrs. | Davis, of Charles, | Marbury, |
| Belt, | Dent, | Mitchell, |
| Berry, of P. Geo., | Duvall, | Miller, |
| Blackiston, | Hollyday, | Morgan, |
| Bond, | Horsey, | Parran, |
| Briscoe, | Jones, of Som. | Peter, |
| Brown, | Lansdale, | Smith, of Dor. |
| Chambers, | Lee, | Wilmer—23. |

NEGATIVE.

| | | |
|-------------------|-----------|----------|
| Messrs. | Galloway, | Parker, |
| Goldsborough, P't | Harwood, | Pugh, |
| Abbott, | Hatch, | Purnell, |
| Annan, | Hebb, | Ridgely, |
| Audoun, | Hopkins, | Russell, |

| | | |
|-------------|------------------|--------------------|
| Barron, | Hopper, | Sands, |
| Carter, | Jones, of Cecil, | Smith, of Carroll, |
| Clarke, | Kennard, | Sneary, |
| Cunningham, | King, | Stirling, |
| Cushing, | Larsh, | Stockbridge, |
| Dail, | Markey, | Swope, |
| Daniel, | McComas, | Sykes, |
| Dellinger, | Mullikin, | Thomas, |
| Earle, | Murray, | Todd, |
| Ecker, | Negley, | Valliant, |
| Edelen, | Nyman, | Wooden—48. |
| Farrow, | | |

So the amendment was rejected.

Mr. Dent and Mr. Daniel asked for and obtained leave to absent themselves from the Convention to-night and to-morrow.

Mr. Thomas (seconded by Messrs. Stockbridge and Todd) moved to reconsider the vote taken to-day, by which the amendment to the Report of the Committee on Legislative Department, as submitted by Mr. Clark, was adopted.

The question being on the adoption of this motion,

Mr. Pugh called the previous question.

The question being,

“Shall the main question be now put?”

It was decided in the affirmative.

The question then recurring upon Mr. Thomas' motion to reconsider,

Mr. Berry, of Prince George's, demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|-----------|--------------------|
| Messrs. | Galloway, | Purnell, |
| Goldsborough, P't | Hatch, | Russell, |
| Abbott, | Hebb, | Sands, |
| Annan, | Hopkins, | Smith, of Carroll, |
| Audoun, | Hopper, | Sneary, |
| Barron, | Kennard, | Stirling, |
| Carter, | Markey, | Stockbridge, |

| | | |
|-------------|-----------|------------|
| Cunningham, | McComas, | Swope, |
| Cushing, | Mullikin, | Sykes, |
| Daniel, | Murray, | Thomas, |
| Dellinger, | Negley, | Todd, |
| Earle, | Nyman, | Valliant, |
| Ecker, | Parker, | Wooden—40. |
| Farrow, | Pugh, | |

NEGATIVE.

| | | |
|--------------------|------------------|-----------------|
| Messrs. | Dent, | Lee, |
| Berry, of P. Geo. | Duvall, | Marbury, |
| Blackiston, | Edelen, | Mitchell, |
| Bond, | Harwood, | Miller, |
| Briscoe, | Hollyday, | Morgan, |
| Brown, | Horse, | Parran, |
| Chambers, | Jones, of Cecil, | Peter, |
| Clarke, | Jones, of Som. | Ridgely, |
| Dail, | King, | Smith, of Dor., |
| Davis, of Charles, | Lansdale, | Wilmer—29. |

So the motion prevailed.

The question then being on the adoption of the amendment as submitted by Mr. Clark, to the Report of the Committee on the Legislative Department ;

Mr. Todd submitted the following amendment to said amendment :

Amend by adding at end : "Provided, that the expense of such census and registration in each case be met by the owner of such slaves ;"

Mr. Abbott submitted the following amendment to said amendment :

"Sec. —. The Legislature at its first session after the adoption of this Constitution shall provide a mode by which those colored persons who have been liberated from slavery by its adoption shall be registered for the purpose of receiving pro rata any money or other appropriation made by the General Government or otherwise for their benefit."

Mr. Jones, of Somerset, moved that the Convention do now adjourn,

Upon which motion,

Mr. Jones, of Somerset, demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|--------------------|----------------|
| Messrs. | Dail, | Lee, |
| Abbott, | Davis, of Charles, | Marbury, |
| Berry, of P. Geo. | Duvall, | Mitchell, |
| Blackiston, | Edelen, | Miller, |
| Bond, | Harwood, | Morgan, |
| Briscoe, | Hollyday, | Parran, |
| Brown, | Horsey, | Peter, |
| Carter, | Jones, of Som., | Smith, of Dor. |
| Chambers, | King, | Wilmer—28. |
| Clarke, | Lansdale, | |

NEGATIVE.

| | | |
|-------------------|------------------|------------|
| Messrs. | Hebb, | Pugh, |
| Goldsborough, P't | Hopkins, | Purnell, |
| Annan, | Hopper, | Ridgely, |
| Audoun, | Jones, of Cecil, | Russell, |
| Barron, | Kennard, | Sneary, |
| Cunningham, | Larsh, | Stirling, |
| Cushing, | Markey, | Swope, |
| Dellinger, | McComas, | Sykes, |
| Earle, | Mullikin, | Thomas, |
| Ecker, | Murray, | Todd, |
| Farrow, | Negley, | Valliant, |
| Galloway, | Nyman, | Wooden—37. |
| Hatch, | Parker, | |

So the Convention refused to adjourn.

The question being on the adoption of the amendment submitted by Mr. Todd,

Mr. Sykes called the previous question ;

The question being,

“Shall the main question be now put?”

It was decided in the affirmative.

The question being on the adoption of the amendment to the amendment, submitted by Mr. Todd ;

Mr. Marbury demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------|-----------------|-----------------|
| Messrs. | Horsey, | Miller, |
| Blackiston, | Jones, of Som., | Morgan, |
| Clarke, | Lansdale, | Peter, |
| Dail, | Lee, | Smith, of Dor., |
| Duvall, | Marbury, | Todd, |
| Harwood, | Mitchell, | Wilmer—17. |

NEGATIVE.

| | | |
|--------------------|------------------|--------------------|
| Messrs. | Farrow, | Nyman, |
| Goldsborough, P't | Galloway, | Parker, |
| Abbott, | Hatch, | Pugh, |
| Annan, | Hebb, | Purnell, |
| Audoun, | Hollyday, | Ridgely, |
| Barron, | Hopkins, | Russell, |
| Belt, | Hopper, | Sands, |
| Brown, | Jones, of Cecil, | Smith, of Carroll, |
| Carter, | Kennard, | Sneary, |
| Cunningham, | King, | Stirling, |
| Cushing, | Larsh, | Swope, |
| Davis, of Charles, | Markey, | Sykes, |
| Dellinger, | McComas, | Thomas, |
| Earle, | Mullikin, | Valliant, |
| Ecker, | Murray, | Wooden—46. |
| Edelen, | Negley, | |

So the amendment was rejected.

The question then recurring upon the amendment submitted by Mr. Abbot ;

Which was rejected.

The question then recurring upon the amendment as submitted by Mr. Clark,

Mr. Jones, of Somerset, demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|--------------------|--------------------|--------------------|
| Messrs. | Hollyday, | Mitchell, |
| Blackiston, | Horsey, | Parker, |
| Brown, | Jones of Somerset, | Parran, |
| Dail, | King, | Ridgely, |
| Davis, of Charles, | Lansdale, | Smith, of Carroll, |
| Duvall, | Larsh, | Stockbridge, |
| Edelen, | Lee, | Thomas, |
| Harwood, | Marbury, | Todd—23. |

NEGATIVE.

| | | |
|-------------------|------------------|------------|
| Messrs. | Farrow, | Negley, |
| Goldsborough, P't | Galloway, | Nyman, |
| Abbott, | Hatch, | Pugh, |
| Annan, | Hebb, | Purnell, |
| Audoyn, | Hopkins, | Russell, |
| Barron, | Hopper, | Sands, |
| Belt, | Jones, of Cecil, | Sneary, |
| Clarke, | Kennard, | Stirling, |
| Cunningham, | Markey, | Swope, |
| Cushing, | McComas, | Sykes, |
| Dellinger, | Miller, | Valliant, |
| Earle, | Mullikin, | Wooden—37. |
| Ecker, | Murray, | |

So the amendment was rejected.

On motion of Mr. Swope,

The Convention took a recess until 8 o'clock.

 EVENING SESSION.

The Convention met at 8 o'clock, P. M.

All the members present except the following :

Messrs. Barron, Berry, of Baltimore county, Billingsley, Bond, Briscoe, Brooks, Carter, Chambers, Crawford, Dail, Daniel, Davis, of Charles, Davis, of Washington, Dennis, Dent, Gale, Hatch, Henkle, Hodson, Hoffman, Johnson, Jones, of Cecil, Jones, of Somerset, Keefer, Larsh, Mace, Mayhugh, Morgan, Noble, Ridgely, Russell, Schlosser, Scott, Smith, of Dorchester, Smith, of Worcester, Sykes, Thomas, Thruston, Turner, Valliant Wickard, Wilmer—42.

The President laid before the Convention the following communication from the Treasurer of the State :

TREASURER'S OFFICE,

Annapolis, July 27th, 1864.

To the Honorable the President of the Convention :

In obedience to an order passed by your honorable body, I have the honor of submitting the enclosed answers.

It will be observed that the 2nd and 6th enquiry being so nearly the same are answered in one, the 7th is omitted for the present, as, it requires a great deal of labour and time to answer it correctly, I would most respectfully suggest to the Convention, that if it be desirable to have the information asked for in the 7th enquiry very soon, that it might be advisable to direct one of the Clerks to the Convention to furnish it, and thereby relieve my Clerk from the duty.

The 10th enquiry I can give no better answer than to call the attention of your honorable body to page 13, Statement I, of the Comptroller's Report, 1863, of the State's capital and credits, all of which is most respectfully submitted.

I have the honor to be,

Very truly yours,

R. FOWLER,

Treasurer of Md.

STATEMENT.

| | | |
|------------|--|----------------|
| No. 1. | Balance in the Treasury 1st December 1862, | \$ 515,596 47 |
| | Balance in the Treasury 1st December 1863, | 1,096,629 93 |
| | Balance in the Treasury 1st June 1864, | 136,138 99 |
| No. 2 & 6. | <i>Funded Debt unredeemed,</i> | |
| | 6 p.c. Stock, ch. 241, 1834, | \$1,878,893 00 |
| | " " " " 20, 1839, | 429,587 81 |
| | " " " " 386, 1838, | 95,420 25 |
| | " " " " 395, 1836, | 30,000 00 |
| | 5 " " " 41, 1847, | 1,143,209 41 |
| | " " " " 104, 1827, | 24,000 00 |
| | " " " " 395, 1838, | 26,100 06 |
| | " " " " 323, 1839, | 38,554 25 |
| | 3 " " " 302, 1837, | |
| | | 1,231,863 72 |
| | | 314,000 00 |
| | | \$3,979,764 78 |

| | | | | | |
|--------|---|--|------------------------------------|--------------------------------|-------------------------|
| “ | “ | <i>Sterling 5 p. c. Bonds,</i> £1,047,875 Ch. 386 and 396, 1838, 343,875 Converted, | <i>Due,</i> 1889,..... | \$4,655,555 55 1,526,666 67 | Ches. & O. C. Co. |
| | | £704,000 ===== | | \$3,128,888 88 ===== | |
| | | £225,000 Ch. 416, 1838, 44,325 Converted, | 1865,..... | \$1,000,000 00 197,000 00 | |
| “ | “ | £180,000 ===== | | \$803,000 00 ===== | Susq. & T. W. C. Co. |
| | | <i>Baltimore and Ohio R. R. Co.</i> | | | |
| | | £720,000 Ch. 386, 1838, 186,250 Converted, | 1889,..... | \$3,200,000 00 827,777 77 | |
| No. 3. | “ | £533,750 ===== | | \$2,372,222 22 | Balt. & O. R. R. Co. |
| | | The amount of Stock standing to the credit of the Sinking Fund 1st June 1864, was of State 5 p. c. Stock, ch. 41, 1847, due 1889,..... | | \$1,000,544 04 154,550 00 | |
| | | And of Baltimore City 6 p. c. Stock, due 1890,..... | | | |
| | | Together amounting to..... | | \$1,155,094 04 | |

STATEMENT—(Continued.)

| | | | | | | | | | | | | | |
|----------------|--|----------------|----------------|-------|--------------|--------|-----------|-------|------------|--|-------|--|----------------|
| No. 4. | <p>The amount of the Sinking Fund cancelled 1st April 1864, under the Act of January Session 1864, chapter 285, was \$4,509,074.51, of the following stock:</p> <table> <tr> <td>6 p. c. Stock,</td><td>\$1,437,538 61</td></tr> <tr> <td>5 " "</td><td>2,860,835 94</td></tr> <tr> <td>4½ " "</td><td>24,699 96</td></tr> <tr> <td>3 " "</td><td>186,000 00</td></tr> <tr> <td></td><td><hr/></td></tr> <tr> <td></td><td>\$4,509,074 51</td></tr> </table> | 6 p. c. Stock, | \$1,437,538 61 | 5 " " | 2,860,835 94 | 4½ " " | 24,699 96 | 3 " " | 186,000 00 | | <hr/> | | \$4,509,074 51 |
| 6 p. c. Stock, | \$1,437,538 61 | | | | | | | | | | | | |
| 5 " " | 2,860,835 94 | | | | | | | | | | | | |
| 4½ " " | 24,699 96 | | | | | | | | | | | | |
| 3 " " | 186,000 00 | | | | | | | | | | | | |
| | <hr/> | | | | | | | | | | | | |
| | \$4,509,074 51 | | | | | | | | | | | | |
| No. 5. | The amount of the Funded Debt unredeemed 1st January 1862, was..... \$8,268,700 09 | | | | | | | | | | | | |
| No. 8. | <p>The Amount of money paid out of the Treasury under the Acts of January Session 1864, chapters 15 and 373, to the 30th June, was.....</p> <p>\$1,104,513 35</p> | | | | | | | | | | | | |
| No. 9. | <p>Of the Loan created by chapter 15 of 1864, authorizing the issue of 4,000,000 of State 6 p. c. Stock, the Treasurer has issued.....</p> <p>\$501,000 00</p> | | | | | | | | | | | | |
| No. 10. | <p>The Interest which the State has in Works of Internal Improvements, &c., I refer you to the Comptroller's Report, 1863, (Statement I,) pages 13 and 14, showing the capital and credits of the State, productive and unproductive.</p> | | | | | | | | | | | | |

The Convention then resumed the consideration of the Report of the Committee on the Legislative Department.

Mr. Cushing moved to proceed to the consideration of the 39th section of said report ;

On which motion,

Mr. Cushing demanded the yeas and nays ;

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|-----------|--------------------|
| Messrs. | Galloway, | Pugh, |
| Goldsborough, Pt. | Greene, | Purnell, |
| Abbott, | Hebb, | Robinette, |
| Annan, | Hopkins, | Sands, |
| Baker, | Hopper, | Schley, |
| Cunningham, | Kennard, | Smith, of Carroll, |
| Cushing, | Markey, | Sneary, |
| Dellinger, | McComas, | Stirling, |
| Earle, | Mullikin, | Swope, |
| Ecker, | Murray, | Todd, |
| Farrow, | Nyman, | Wooden—32. |

NEGATIVE.

| | | |
|--------------------|--------------------|-----------------|
| Messrs. | Edelen, | Marbury, |
| Audoun, | Harwood, | Mitchell, |
| Belt, | Hollyday, | Miller, |
| Berry, of P. Geo., | Horsey, | Negley, |
| Blackiston, | Jones, of Somerset | Parker, |
| Brown, | King, | Parran, |
| Chambers, | Lansdale, | Peter, |
| Clarke, | Lee, | Stockbridge—24. |
| Duvall, | | |

So the motion prevailed.

The question then being on the 39th section and the proposed amendments thereto ;

Mr. Cushing called the previous question,

The question being,

“Shall the main question be now put?”

Mr. Jones, of Somerset, demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|-----------|--------------------|
| Messrs. | Galloway, | Robinette, |
| Goldsborough, P't | Greene, | Sands, |
| Abbott, | Hebb, | Schley, |
| Annan, | Hopkins, | Smith, of Carroll, |
| Baker, | Markey, | Sneary, |
| Cunningham, | McComas, | Stirling, |
| Cushing, | Mullikin, | Swope, |
| Dellinger, | Murray, | Todd, |
| Ecker, | Nyman, | Wooden—28. |
| Farrow, | Purnell, | |

NEGATIVE.

| | | |
|--------------------|-----------------|-----------------|
| Messrs. | Edelen, | Marbury, |
| Audoun, | Harwood, | Mitchell, |
| Belt, | Hollyday, | Miller, |
| Berry, of P. Geo., | Hopper, | Negley, |
| Blackiston, | Horsey, | Parker, |
| Brown, | Jones, of Som., | Parran, |
| Chambers, | Kennard, | Peter, |
| Clark, | King, | Pugh, |
| Duvall, | Lansdale, | Stockbridge—28. |
| Earle, | Lee, | |

So the question was decided in the negative.

Mr. Negley moved, "That the 39th section of the Report of the Committee on the Legislative Department, together with all the proposed amendments thereto, be referred to a special committee of nine, with instructions to report, on or before 12 o'clock noon on Friday next ;"

Mr. Stirling moved to lay said motion on the table,

On which last motion,

Mr. Negley demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|----------|--------------------|
| Messrs. | Greene, | Purnell, |
| Goldsborough, P't | Hebb, | Robinette, |
| Abbott, | Hopkins, | Sands, |
| Annan, | Hopper, | Schley, |
| Baker, | Markey, | Smith, of Carroll, |

Cunningham,
Cushing,
Ecker,
Farrow,
Galloway,

McComas,
Mullikin,
Murray,
Nyman,

Sneary,
Stirling,
Swope,
Wooden—27.

NEGATIVE.

Messrs.
Audoun,
Belt,
Berry, of P. Geo.
Blackiston,
Brown,
Chambers,
Clarke,
Duvall,
Earle,

Edelen,
Harwood,
Hollyday,
Horsey,
Jones, of Som.,
Kennard,
King,
Lansdale,
Lee,
Marbury,

Mitchell,
Miller,
Negley,
Parker,
Parran,
Peter,
Pugh,
Stockbridge,
Todd—28.

So the motion to lie on the table, was decided in the negative.

The question then recurring upon the adoption of the motion submitted by Mr. Negley,

Mr. Schley submitted the following amendment to said motion:

Add at the end thereof “and that said special committee be instructed to report a provision for the sale of the works of Internal Improvement, in which the State is interested as stockholder or creditor,”

The question being on the adoption of the said amendment,

Mr. Abbott demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

Messrs.
Abbott,
Baker,

Clarke,
Farrow,

Harwood,
Schley—6.

NEGATIVE.

Messrs.
Goldsborough, P't
Annan,
Audoun,

Hebb,
Hollyday,
Hopkins,
Hopper,

Negley,
Nyman,
Parker,
Parran,

| | | |
|--------------------|----------------|-------------------|
| Belt, | Horsey, | Peter, |
| Berry, of P. Geo., | Jones, of Som. | Pugh, |
| Blackiston, | Kennard, | Purnell, |
| Brown, | King, | Robinette, |
| Chambers, | Lansdale, | Sands, |
| Cunningham, | Lee, | Smith, of Carroll |
| Cushing, | Marbury, | Sneary, |
| Dellinger, | Markey, | Stirling, |
| Earle, | McComas, | Stockbridge, |
| Ecker, | Mitchell, | Swope, |
| Edelen, | Miller, | Todd, |
| Galloway, | Mullikin, | Wooden—49. |
| Greene, | Murray, | |

So the amendment was rejected.

Mr. Stirling submitted the following amendment,

Strike out the words "report an article on the sale of the Public Works," and insert, "report in favor of omitting all reference to the Public Works in the Legislative Article,"

Which was lost.

The question then recurring upon the adoption of the motion as submitted by Mr. Negley,

Mr. Miller demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|--------------------|-----------------|--------------|
| Messrs. | Galloway, | McComas, |
| Goldsborough, P't | Harwood, | Mitchell, |
| Andoun, | Hollyday, | Miller, |
| Belt, | Hopper, | Negley, |
| Berry, of P. Geo., | Horsey, | Parker, |
| Blackiston, | Jones, of Som., | Parran, |
| Brown, | Kennard, | Peter, |
| Chambers, | King, | Pugh, |
| Clarke, | Lansdale, | Stockbridge, |
| Earle, | Lee, | Todd—31. |
| Edelen, | Marbury, | |

NEGATIVE.

| | | |
|---------|----------|---------------|
| Messrs. | Greene, | Robinette, |
| Abbott, | Hebb, | Sands, |
| Annan, | Hopkins, | Schley, |
| Baker, | Markey, | Smith of Car. |

| | | |
|-------------|-----------|------------|
| Cunningham, | Mullikin, | Sneary, |
| Cushing, | Murray, | Stirling, |
| Dellinger, | Nyman, | Swope, |
| Ecker, | Purnell, | Wooden—24. |
| Farrow, | | |

So the motion prevailed.

The President in accordance with said motion, appointed the following Committee :

Messrs. Neglèy, Stirling, Audoun, Schley, Pugh, Clarke, Parran, Purnell, Jones, of Somerset.

On motion of Mr. Audoun,

The Convention adjourned.

THURSDAY, July 28th, 1864.

The Convention met at 10 o'clock, A. M.

Prayer by the Rev. Mr. Patterson.

All the members present except the following :

Messrs. Berry, of Baltimore county, Billingsley, Brooks, Brown, Daniel, Davis, of Washington, Dennis, Dent, Gale, Greene, Henkle, Hodson, Hoffman, Horsey, Johnson, Jones, of Somerset, Mace, Mayhugh, Noble, Peter, Schlosser, Scott, Smith, of Dorchester, Smith, of Worcester, Thruston, Turner—26.

The proceedings of yesterday were read and approved.

The President appointed Mr. Jno. Garigle, Assistant Secretary, in accordance with the order adopted on yesterday.

Mr. Markey asked and obtained leave of absence for a few days.

On motion of Mr. Berry, of Prince George's,

It was ordered to be entered on the Journal, that if Mr. Berry, of Prince George's, had been in his seat when the final

vote was taken upon the adoption of the Bill of Rights, he would have voted in the negative; and that if present, he would also have voted against the adoption of section 40 of the Report on the Legislative Department, and against the resolution of Mr. Cushing passed July 9th, the order of Mr. Schley, passed July 19th, and the preamble and resolutions of Mr. Stirling, passed July 20th 1864.

On motion of Mr. Baker,

It was ordered to be entered on the Journal, that if Mr. Baker, of Frederick county, had been present when the vote was taken upon the order submitted by Mr. Schley, on the 19th inst., and the order submitted by Mr. Sands, on the 20th inst., and the resolutions offered by Mr. Stirling, on the 20th inst., and also, upon the adoption of section 40 of the Report of the Standing Committee on the Legislative Department, he would have voted in the affirmative in each case.

Mr. Pugh, gave notice that at the proper time he would submit the following order :

Ordered, That during the consideration of the Report of the Committee on Basis of Representation, each speaker shall be limited to ten minutes, and the time shall in no case be extended excepting upon a concurrence of two-thirds of the members present.

On motion of Mr. Cunningham,

It was ordered to be entered on the Journal, that Mr. Schlosser, of Frederick county, is detained at home by sickness.

Mr. Belt submitted the following order :

Ordered, That the Special Committee on the 39th section of the Legislative Department be requested to consider the following :

“Sec. —. The General Assembly shall have power to pass all laws that may be necessary to authorize the counties of Allegany, Washington, Frederick and Montgomery, or any of them, to create a debt by the issue of bonds or otherwise, so as to enable them, or any of them, to become the purchaser of the State's interest in the Chesapeake and Ohio Canal, whenever the same shall be offered for sale under authority of law.”

Which was adopted.

On motion of Mr. Cushing,

The Convention then proceeded to the consideration of the Reports submitted by the Committee on the Basis of Representation in the two Houses of the General Assembly ;

Mr. Berry, of Prince George's, submitted the following amendment :

"Strike out the entire Report submitted by the Majority of said Committee, and insert in lieu thereof the Report submitted by the Minority of said Committee ;"

The question being on the adoption of said amendment,

Mr. Berry, of Prince George's, demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|--------------------|--------------------|-----------------|
| Messrs. | Crawford, | Jones, of Som., |
| Belt, | Dail, | Lansdale, |
| Berry, of P. Geo., | Davis, of Charles, | Lee, |
| Blackiston, | Duvall, | Marbury, |
| Bond, | Edelen, | Mitchell, |
| Briscoe, | Harwood, | Miller, |
| Brown, | Henkle, | Morgan, |
| Chambers, | Hollyday, | Peter, |
| Clarke, | Horsey, | Wilmer—26. |

NEGATIVE.

| | | |
|-------------------|------------------|--------------------|
| Messrs. | Hebb, | Ridgely, |
| Goldsborough, P't | Hopkins, | Robinette, |
| Abbott, | Hopper, | Russell, |
| Annan, | Jones, of Cecil, | Sands, |
| Audoun, | Keefer, | Schley, |
| Baker, | Kennard, | Smith, of Carroll, |
| Barron, | King, | Sneary, |
| Carter, | Markey, | Stirling, |
| Cunningham, | McComas, | Stockbridge, |
| Cushing, | Mullikin, | Sykes, |
| Dellinger, | Murray, | Thomas, |
| Earle, | Negley, | Todd, |
| Ecker, | Nyman, | Valliant, |
| Farrow, | Parker, | Wickard, |
| Galloway, | Pugh, | Wooden—46. |
| Hatch, | Purnell, | |

So the amendment was decided in the negative.

Mr. Chambers gave notice that on to-morrow he would move to rescind the order passed July 21st inst., (page 253,) by which the Convention holds evening sessions.

The Convention then proceeded to consider the Report submitted by the Majority of said Committee on the Basis of Representation.

Mr. Kennard submitted the following amendment :

Add to the end of the 1st section as follows:

“Which said districts shall be called the 1st, 2nd and 3rd Legislative Districts of Baltimore city.”

Which was adopted.

Mr. Belt moved that the Report on the Basis of Representation be recommitted to the Committee on that subject, with instructions so far to alter the same as to provide for the division of Baltimore city and every county into as many Electoral Districts as each shall be entitled to members of the House of Delegates, so that the people of each of such Districts shall elect one member; and that said Committee report by 1 o'clock on Friday,

Which motion was lost.

On motion of Mr. Schley,

The consideration of the second section was informally passed over.

Mr. Schley submitted the following amendment :

Sec. 3. Amend by striking out all after the word “for” in the 8th line, and insert :

“The next twenty thousand persons or a fractional portion over one half thereof in each county and district of the city of Baltimore ; above that number, each county and district of said city shall elect one Delegate for every eighty thousand persons, or fractional portion thereof above one half. Upon this principle, and until the next National census or State enumeration of inhabitants, the House of Delegates shall consist of seventy-nine members, distributed as follows : Allegany, five members ; Anne Arundel, two ; each of the three districts in Baltimore city, six ; Baltimore county, six ; Calvert, one ; Caroline, two ; Carroll, five ; Cecil, four ; Charles, one ; Dorchester, two ; Frederick, six ; Harford, four ; Howard, two ; Kent, one ; Montgomery, two ; Prince George's, two ; Queen Anne's, two ; St. Mary's, one ; Somerset, three ; Talbot, two ; Washington, five ; Worcester, three ;”

Pending the consideration of which,

On motion of Mr. Barron,

The Convention took a recess until 8 o'clock, P. M.

EVENING SESSION.

The Convention met at 8 o'clock, P. M.

All the members present except the following:

Messrs. Berry, of Baltimore county, Billingsley, Brooks, Carter, Crawford, Dennis, Dent, Gale, Hatch, Hodson, Hoffman, Johnson, Jones, of Cecil, Larsh, Mace, Markey, Mayhugh, Mitchell, Morgan, Noble, Pugh, Schlosser, Scott, Smith, of Dorchester, Smith, of Worcester, Sykes, Thruston, Turner, Valliant, Wilmer—30.

The consideration of the Report of the Committee on the Basis of Representation,

Was resumed ;

The question being on the adoption of the amendment submitted by Mr. Schley ;

Mr. Berry, of Prince George's, demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|------------|--------------------|
| Messrs. | Farrow, | Parker, |
| Goldsborough, P't | Galloway, | Purnell, |
| Annan, | Harwood, . | Ridgely, |
| Audoun, | Hebb, | Robinette, |
| Baker, | Henkle, | Russell, |
| Barron, | Hopkins, | Sands, |
| Bond, | Hopper, | Schley, |
| Clark, | Keefer, | Smith, of Carroll, |
| Cunningham, | Kennard, | Sneary, |

Cushing,
Dail,
Daniel,
Dellinger,
Earle,
Ecker,

King,
McComas,
Mullikin,
Murray,
Negley,
Nyman,

Stirling,
Swope,
Thomas,
Todd,
Wooden—43.

NEGATIVE.

Messrs.
Abbott,
Berry, of P. G.,
Blackiston,
Brown,
Chambers,
Davis, of Charles,

Duvall,
Edelen,
Hollyday,
Horsey,
Jones, of Som:
Lansdale,
Lee,

Marbury,
Mitchell,
Miller,
Parran,
Peter,
Stockbridge,
Wickard—20.

So the said amendment was adopted.

Mr. Clarke submitted the following amendment:

Sec. 3. Strike out all after the word "the" in 1st line and insert,"

"Legislature, at its first session after the adoption of this Constitution, and at its first session after the returns of each National census are published under the authority of Congress, shall apportion the members of the House of Delegates among the several counties of the State and the city of Baltimore according to the population of each, provided the whole number of Delegates shall never exceed eighty-five members, and provided that each county and said city shall be divided into separate Election Districts of compact, contiguous territory, the qualified voters in each of which districts shall at the time and in the manner in which Delegates are chosen, elect one Delegate, who has for one year next before his election been a resident of the District from which he shall be elected. The apportionment of the Delegates among the several counties and the city of Baltimore shall remain the same as provided by the present Constitution, until the second election held for members of the House of Delegates after the adoption of this Constitution, and

The General Assembly shall hereafter elect United States Senators and all officers who are elected by the Legislature, by a concurrent vote of the two Houses and not by joint ballot."

Mr. Thomas submitted the following amendment to the amendment,

10th line, insert the word "white," before population;

Pending the consideration of which,
 On motion of Mr. Kennard,
 The Convention adjourned.

FRIDAY, July 29th, 1864.

The Convention met at 10 o'clock, A. M.

Prayer by the Rev. Mr. Owen.

All the members present except the following :

Messrs. Belt, Berry, of Baltimore county, Billingsley, Brooks, Carter, Cushing, Dent, Gale, Henkle, Hodson, Hoffman, Mace, Markey, Mayhugh, McComas, Noble, Schlosser, Scott, Smith, of Worcester, Thruston, Turner—21.

The proceedings of yesterday were read and approved.

Mr. Abbott submitted the following order :

Ordered, That no entry be made on the Journal hereafter expressive of members views on subjects acted on in their absence unless they have been excused, or give satisfactory reasons for their absence from the Convention according to rules,

On motion of Mr. Berry, of Prince George's,

The order was laid on the table.

On motion of Mr. Purnell,

It was ordered to be entered on the Journal that if Mr. Purnell, of Worcester county, had been present when the votes were taken upon the order submitted by Mr. Hatch, of Baltimore city, and the order offered by Mr. Schley, of Frederick county, on Tuesday, July 19th inst., the order submitted by Mr. Sands, of Howard county, on Wednesday, July 20th inst., and the resolution offered by Mr. Stirling, of Baltimore city, on Thursday, July 21st inst., with regard to the disloyalists, he would have voted in the affirmative upon each of said propositions.

On motion of Mr. Galloway,

It was ordered to be entered upon the Journal, that Mr. McComas is absent from his seat on account of important business connected with the draft.

Mr. Hollyday was excused from attending the sessions of the Convention for a few days.

Mr. Pugh submitted the following order :

Ordered, That during the consideration of the Report of the Committee on Basis of Representation, each speaker shall be limited to ten minutes, and the time shall in no case be extended excepting upon a concurrence of two-thirds of the members present.

Mr. Sands submitted the following amendment :

Strike out "ten" and insert "fifteen."

Mr. Davis, of Charles, submitted the following amendment :

Strike out "ten" and insert "thirty."

The question being on the amendment submitted by Mr. Davis ;

It was decided in the negative.

Mr. Miller submitted the following amendment :

Strike out "ten," and insert "twenty ;"

Decided in the negative.

The question recurring upon the amendment submitted by Mr. Sands ;

It was decided in the affirmative.

The order as amended, was then adopted.

Mr. Chambers moved to rescind the order adopted July 21st, by which the Convention determined to hold evening sessions ;

The question being on the adoption of the motion,

Mr. Hebb demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|--------------------|------------------|-----------------|
| Messrs. | Dennis, | Larsh, |
| Audoun, | Duvall, | Lee, |
| Barron, | Edelen, | Marbury, |
| Berry, of P. Geo., | Harwood, | Mitchell, |
| Blackiston, | Hatch, | Miller, |
| Bond, | Henkle, | Morgan, |
| Briscoe, | Hodson, | Parran, |
| Brown, | Hollyday, | Peter, |
| Chambers, | Horsey, | Smith, of Dor., |
| Clarke, | Johnson, | Thomas, |
| Crawford, | Jones, of Cecil, | Valliant, |
| Dail, | Jones, of Som. | Wilmer—37. |
| Davis; of Charles, | Lansdale, | |

NEGATIVE.

| | | |
|-------------------|-----------|--------------------|
| Messrs. | Greene, | Ridgely, |
| Goldsborough, Pt. | Hebb, | Robinette, |
| Abbott, | Hopkins, | Russell, |
| Annan, | Hopper, | Sands, |
| Baker, | Keefer, | Schley, |
| Cunningham, | Kennard, | Smith, of Carroll, |
| Cushing, | King, | Sneary, |
| Daniel, | Mullikin, | Stirling, |
| Davis, of Wash., | Murray, | Stockbridge, |
| Dellinger, | Negley, | Swope, |
| Earle, | Nyman, | Sykes, |
| Ecker, | Parker, | Todd, |
| Farrow, | Pugh, | Wickard, |
| Galloway, | Purnell, | Wooden—41. |

So the question upon its adoption was decided in the negative.

The Report of the Committee on the Basis of Representation,

Was then taken up,

The question being on the amendment of Mr. Thomas, to the amendment submitted by Mr. Clarke, to wit:

In 10th line of amendment insert the word "white," before the word "population ;

Mr. Berry, of Prince George's, demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|-----------|--------------------|
| Messrs. | Galloway, | Purnell, |
| Goldsborough, P't | Greene, | Ridgely, |
| Abbott, | Hatch, | Robinette, |
| Annan, | Hebb, | Russell, |
| Audoun, | Hopkins, | Sands, |
| Baker, | Hopper, | Schley, |
| Barron, | Keefer, | Smith, of Carroll, |
| Cunningham, | Kennard, | Sneary, |
| Cushing, | King, | Stirling, |
| Daniel, | Larsh, | Sykes, |
| Davis, of Wash., | Mullikin, | Thomas, |
| Dellinger, | Murray, | Todd, |
| Earle, | Negley, | Valliant, |
| Ecker, | Parker, | Wickard, |
| Farrow, | Pugh, | Wooden—44. |

NEGATIVE.

| | | |
|--------------------|------------------|----------------|
| Messrs. | Dennis, | Lansdale, |
| Berry, of P. G., | Duvall, | Lee, |
| Blackiston, | Edelen, | Marbury, |
| Bond, | Harwood, | Mitchell, |
| Briscoe, | Henkle, | Miller, |
| Brown, | Hollyday, | Morgan, |
| Chambers, | Horsey, | Peter, |
| Clarke, | Johnson, | Smith, of Dor. |
| Crawford, | Jones, of Cecil, | Stockbridge, |
| Dail, | Jones, of Som., | Wilmer—30. |
| Davis, of Charles, | | |

So the question upon its adoption was decided in the affirmative.

The question recurring upon the adoption of the amendment as submitted by Mr. Clarke,

Mr. Blackiston submitted the following amendment :

In the 20th line, after the word "Kent," strike out "one" and insert "two."

Mr. Hebb demanded the previous question.

The question being,

"Shall the main question be now put?"

Mr. Jones, of Somerset demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|------------------|--------------------|
| Messrs. | Hatch, | Ridgely, |
| Goldsborough, P't | Hebb, | Robinette, |
| Abbott, | Hopkins, | Russell, |
| Annan, | Hopper, | Sands, |
| Audoun, | Jones, of Cecil, | Schley, |
| Baker, | Keefer, | Smith, of Carroll, |
| Barron, | Kennard, | Sneary, |
| Cunningham, | King, | Stirling, |
| Cushing, | Larsh, | Stockbridge, |
| Daniel, | Mullikin, | Swope, |
| Davis, of Wash., | Murray, | Sykes, |
| Dellinger, | Negley, | Thomas, |
| Earle, | Nyman, | Todd, |
| Ecker, | Parker, | Valliant, |
| Farrow, | Pugh, | Wickard |
| Galloway, | Purnell, | Wooden—48. |
| Greene, | | |

NEGATIVE.

| | | |
|--------------------|-----------------|-----------------|
| Messrs. | Dennis, | Lansdale, |
| Berry, of P. G. | Duvall, | Lee, |
| Blackiston, | Edelen, | Marbury, |
| Bond, | Harwood, | Mitchell, |
| Briscoe, | Henkle, | Miller, |
| Brown, | Hodson, | Morgan, |
| Chambers, | Hollyday, | Parran, |
| Clarke, | Horsey, | Peter, |
| Crawford, | Johnson, | Smith, of Dor., |
| Dail, | Jones, of Som., | Wilmer—30. |
| Davis, of Charles, | | |

So the call for the previous question was sustained.

The question then being on the amendment submitted by Mr. Blackiston,

Mr. Blackiston demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|--------------------|---------|-----------|
| Messrs. | Dennis, | Lansdale, |
| Berry, of P. Geo., | Duvall, | Larsh, |
| Blackiston, | Edelen, | Lee, |

| | | |
|--------------------|------------------|-----------------|
| Bond, | Harwood, | Marbury, |
| Briscoe, | Henkle, | Mitchell, |
| Brown, | Hodson, | Miller, |
| Chambers, | Hollyday, | Morgan, |
| Clarke, | Horsey, | Parran, |
| Crawford, | Johnson, | Peter, |
| Dail, | Jones, of Cecil, | Smith, of Dor., |
| Davis, of Charles, | Jones, of Som., | Wilmer—32. |

NEGATIVE.

| | | |
|-------------------|-----------|--------------------|
| Messrs. | Greene, | Robinson, |
| Goldsborough, P't | Hatch, | Russell, |
| Abbott, | Hebb, | Sands, |
| Annan, | Hopkins, | Schley, |
| Audoun, | Keefer, | Smith, of Carroll, |
| Baker, | Kennard, | Sneary, |
| Barron, | King, | Stirling, |
| Cunningham, | Mullikin, | Stockbridge, |
| Cushing, | Murray, | Swope, |
| Daniel, | Negley, | Sykes, |
| Davis, of Wash., | Nyman, | Thomas, |
| Dellinger, | Parker, | Todd, |
| Earle, | Pugh, | Valliant, |
| Ecker, | Purnell, | Wickard, |
| Farrow, | Ridgely, | Wooden—45. |
| Galloway, | | |

So the question upon its adoption was decided in the negative.

The question recurring upon the amendment submitted by Mr. Clarke, to wit:

Sec. 3. Strike out all after the word "the," in 1st line, and insert the words:

"Legislature, at its first session after the adoption of this Constitution, and at its first session after the returns of each national census are published under the authority of Congress, shall apportion the members of the House of Delegates among the several counties of the State and the city of Baltimore, according to the population of each, provided the whole number of Delegates shall never exceed eighty-five members, and provided that each county and said city shall be divided into separate election districts of compact, contiguous territory, the qualified voters in each of which districts shall, at the time and in the manner in which delegates are chosen, elect one delegate, who has for one year next before his election been a resident of the district from which he shall be elected.

The apportionment of the delegates among the several counties and the city of Baltimore shall remain the same as provided by the present Constitution, until the second election held for members of the House of Delegates after the adoption of this Constitution; and the General Assembly shall hereafter elect United States Senators and all officers who are elected by the Legislature, by a concurrent vote of the two Houses, and not by joint ballot;"

Mr. Berry, of Prince George's, demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------|--------------------|-------------|
| Messrs. | Crawford, | Hollyday, |
| Blackiston, | Davis, of Charles, | Lansdale, |
| Bond, | Duvall, | Marbury, |
| Briscoe, | Edelen, | Mitchell, |
| Brown, | Harwood, | Miller, |
| Chambers, | Henkle, | Morgan, |
| Clarke, | Hodson, | Wickard—20. |

NEGATIVE.

| | | |
|--------------------|------------------|--------------------|
| Messrs. | Hatch, | Pugh, |
| Goldsborough, P't | Hebb, | Purnell, |
| Abbott, | Hopkins, | Ridgely, |
| Annan, | Hopper, | Robinette, |
| Audoun, | Horse, | Russell, |
| Baker, | Johnson, | Sands, |
| Barron, | Jones, of Cecil, | Schley, |
| Berry, of P. Geo., | Jones, of Som. | Smith, of Carroll, |
| Cunningham, | Keefer, | Smith, of Dor. |
| Cushing, | Kennard, | Sneary, |
| Dail, | King, | Stirling, |
| Daniel, | Larsh, | Stockbridge, |
| Davis, of Wash., | Lee, | Swope, |
| Dellinger, | Mullikin, | Sykes, |
| Dennis, | Murray, | Thomas, |
| Earle, | Negley, | Todd, |
| Ecker, | Nyman, | Valliant, |
| Farrow, | Parker, | Wilmer, |
| Galloway, | Peter, | Wooden—57. |
| Greene, | | |

So the question upon its adoption was decided in the negative.

The question next being on the adoption of section 3rd, as amended by Mr. Schley,

Mr. Berry, of Prince George's, demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|------------------|--------------------|
| Messrs. | Greene, | Ridgely, |
| Goldsborough, P't | Hatch, | Robinette, |
| Abbott, | Hebb, | Russell, |
| Annan, | Hopkins, | Sands, |
| Audoun, | Hopper, | Schley, |
| Baker, | Jones, of Cecil, | Smith, of Carroll, |
| Barron, | Keefer, | Sneary, |
| Cunningham, | Kennard, | Stirling, |
| Cushing, | King, | Stockbridge, |
| Daniel, | Mullikin, | Swope, |
| Davis, of Wash., | Murray, | Sykes, |
| Dellinger, | Negley, | Thomas, |
| Earle, | Nyman, | Todd, |
| Ecker, | Parker, | Valliant, |
| Farrow, | Pugh, | Wickard, |
| Galloway, | Purnell, | Wooden—47. |

NEGATIVE.

| | | |
|--------------------|----------------|-----------------|
| Messrs. | Dennis, | Larsh, |
| Berry, of P. Geo., | Duvall, | Lee, |
| Blackiston, | Edelen, | Marbury, |
| Bond, | Henkle, | Mitchell, |
| Brown, | Hodson, | Miller, |
| Chambers, | Hollyday, | Morgan, |
| Clarke, | Horsey, | Parran, |
| Crawford, | Johnson, | Peter, |
| Dail, | Jones, of Som. | Smith, of Dor., |
| Davis, of Charles, | Lansdale, | Wilmer—29. |

So the question upon its adoption was decided in the affirmative.

The Convention then returned to the consideration of section 2nd of the report.

Mr. Schley moved to fill up the blank in said section with the word "four ;"

Mr. Chambers moved to fill up said blank with the word "six ;"

The question being on the adoption of the amendment submitted by Mr. Chambers,

Mr. Chambers demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|--------------------|-----------|--------------------|
| Messrs. | Dennis, | Jones of Somerset, |
| Goldsborough, P't | Duvall, | Miller, |
| Berry, of P. Geo., | Farrow, | Morgan, |
| Blackiston, | Henkle, | Parker, |
| Briscoe, | Hollyday, | Parran, |
| Chambers | Horsey, | Peter—17. |

NEGATIVE.

| | | |
|--------------------|------------------|--------------------|
| Messrs. | Harwood, | Purnell, |
| Abbott, | Hebb, | Ridgely, |
| Annan, | Hodson, | Robinette, |
| Baker, | Hopkins, | Russell, |
| Barron, | Hopper, | Schley, |
| Bond, | Johnson, | Smith, of Carroll, |
| Brown, | Jones, of Cecil, | Smith, of Dor., |
| Clarke, | Keefer, | Sneary, |
| Crawford, | Kennard, | Stirling, |
| Cushing, | King, | Stockbridge, |
| Dail, | Lansdale, | Swope, |
| Daniel, | Lee, | Sykes, |
| Davis, of Charles, | Marbury, | Thomas, |
| Davis, of Wash., | Mitchell, | Todd, |
| Earle, | Mullikin, | Valliant, |
| Ecker, | Murray, | Wickard, |
| Edelen, | Negley, | Wilmer, |
| Galloway, | Nyman, | Wooden—55. |
| Greene, | Pugh, | |

So the question upon its adoption was decided in the negative.

Mr. Stockbridge submitted the following amendment :

Sec. 2. Amend by striking out all after the word “respectively,” in line 4 ;

Decided in the negative.

The question then recurring upon the amendment submitted by Mr. Schley :

It was decided in the affirmative.

Mr. Miller submitted the following amendment:

Sec. 2. Strike out in 1st and 2nd line "each district of the city of Baltimore as hereinbefore provided for," and insert "and the city of Baltimore."

Mr. Barron called the previous question,

The question being,

"Shall the main question be now put?"

Mr. Davis, of Charles, demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows:

AFFIRMATIVE.

| | | |
|-------------------|------------------|--------------------|
| Messrs. | Greene, | Pugh, |
| Goldsborough, P't | Hatch, | Purnell, |
| Abbott, | Hebb, | Robinette, |
| Annan, | Hopkins, | Russell, |
| Audoun, | Hopper, | Schley, |
| Baker, | Jones, of Cecil, | Smith, of Carroll, |
| Barron, | Keefer, | Sneary, |
| Cunningham, | King, | Stirling, |
| Cushing, | Mullikin, | Swope, |
| Daniel, | Murray, | Sykes, |
| Davis, of Wash., | Negley, | Thomas, |
| Earle, | Nyman, | Wickard, |
| Ecker, | Parker, | Wooden—39. |
| Galloway, | | |

NEGATIVE.

| | | |
|--------------------|----------------|-----------------|
| Messrs. | Duvall, | Marbury, |
| Blackiston, | Edelen, | Mitchell, |
| Bond, | Henkle, | Miller, |
| Briscoe, | Hollyday, | Morgan, |
| Brown, | Horsey, | Parran, |
| Chambers, | Johnson, | Peter, |
| Clarke, | Jones, of Som. | Smith, of Dor., |
| Dail, | Lansdale, | Stockbridge, |
| Davis, of Charles, | Lee, | Wilmer—27. |
| Dennis, | | |

So the call for the previous question was sustained;

The question recurring upon the adoption of the amendment submitted by Mr. Miller;

Mr. Miller demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|--------------------|----------------|-----------------|
| Messrs. | Dennis, | Lee, |
| Belt, | Duvall, | Marbury, |
| Berry, of P. Geo. | Edelen, | Mitchell, |
| Blackiston, | Harwood, | Miller, |
| Bond, | Henkle, | Morgan, |
| Briscoe, | Hollyday, | Parran, |
| Brown, | Horsey, | Peter, |
| Chambers, | Johnson, | Smith, of Dor., |
| Clarke, | Jones, of Som. | Wilmer—28. |
| Davis, of Charles, | Lansdale, | |

NEGATIVE.

| | | |
|-------------------|------------------|--------------------|
| Messrs. | Galloway, | Pugh, |
| Goldsborough, P't | Greene, | Purnell, |
| Abbott, | Hatch, | Ridgely, |
| Annan, | Hebb, | Robinette, |
| Audoun, | Hopkins, | Russell, |
| Baker, | Hopper, | Schley, |
| Barron, | Jones, of Cecil, | Smith, of Carroll, |
| Cunningham, | Keefer, | Sneary, |
| Cushing, | Kennard, | Stirling, |
| Dail, | King, | Stockbridge, |
| Daniel, | Mullikin, | Swope, |
| Davis, of Wash., | Murray, | Sykes, |
| Dellinger, | Negley, | Thomas, |
| Earle, | Nyman, | Wickard, |
| Ecker, | Parker, | Wooden—45. |

The question upon its adoption was decided in the negative.

The question next being on the adoption of section 2d as amended,

Mr. Berry, of Prince George's, demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows:

AFFIRMATIVE.

| | | |
|-------------------|---------|------------|
| Messrs. | Greene, | Purnell, |
| Goldsborough, P't | Hatch, | Ridgely, |
| Abbott, | Hebb, | Robinette, |

| | | |
|------------------|------------------|--------------------|
| Annan, | Hopkins, | Russell, |
| Audoun, | Hopper, | Schley, |
| Baker, | Jones, of Cecil, | Smith, of Carroll, |
| Barron, | Keefer, | Sneary, |
| Cunningham, | Kennard, | Stirling, |
| Cushing, | King, | Stockbridge, |
| Dail, | Mullikin, | Swope, |
| Daniel, | Murray, | Sykes, |
| Davis, of Wash., | Negley, | Thomas, |
| Dellinger, | Nyman, | Todd, |
| Earle, | Parker, | Wickard, |
| Ecker, | Pugh, | Wooden—45. |
| Galloway, | | |

NEGATIVE.

| | | |
|--------------------|-----------------|-----------------|
| Messrs. | Dennis, | Lee, |
| Belt, | Duvall, | Marbury, |
| Berry, of P. Geo. | Edelen, | Mitchell, |
| Blackiston, | Harwood, | Miller, |
| Bond, | Henkle, | Morgan, |
| Briscoe, | Hollyday, | Parran, |
| Brown, | Horsey, | Peter, |
| Chambers, | Johnson, | Smith, of Dor., |
| Clarke, | Jones, of Som., | Wilmer—28. |
| Davis, of Charles, | Lansdale, | |

So the question upon its adoption was decided in the affirmative.

The question then being,

“Shall this report be engrossed for a third reading,”

Mr. Berry, of Prince George's, demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|------------------|--------------------|
| Messrs. | Greene, | Ridgely, |
| Goldsborough, P't | Hatch, | Robinette, |
| Abbott, | Hebb, | Russell, |
| Annan, | Hopkins, | Schley, |
| Audoun, | Hopper, | Smith, of Carroll, |
| Baker, | Jones, of Cecil, | Sneary, |
| Barron, | Keefer, | Stirling, |
| Cunningham, | Kennard, | Stockbridge, |
| Cushing, | King, | Swope, |

| | | |
|------------------|-----------|------------|
| Dail, | Mullikin, | Sykes, |
| Daniel, | Murray, | Thomas, |
| Davis, of Wash., | Negley, | Todd, |
| Dellinger, | Nyman, | Valliant, |
| Earle, | Parker, | Wickard, |
| Ecker, | Pugh, | Wooden—46. |
| Galloway, | Purnell, | |

NEGATIVE.

| | | |
|--------------------|-----------------|-----------------|
| Messrs. | Dennis, | Lee, |
| Belt, | Duvall, | Marbury, |
| Berry, of P. Geo. | Edelen, | Mitchell, |
| Blackiston, | Harwood, | Miller, |
| Bond, | Henkle, | Morgan, |
| Briscoe, | Hollyday, | Parran, |
| Brown, | Horsey, | Peter, |
| Chambers, | Johnson, | Smith, of Dor., |
| Clarke, | Jones, of Som., | Wilmer—28. |
| Davis, of Charles, | Lansdale, | |

So the report was ordered to be engrossed for a third reading.

Mr. Hopkins was excused from attending the sessions of the Convention for a few days on account of sickness in his family.

Messrs. Clarke, Jones, of Somerset, Russell, Ridgely, Davis, of Charles, Duvall, Edelen and Mitchell, were also excused from attending the sessions of this Convention for a few days.

Mr. Thomas moved that when the Convention adjourns to-day, it stands adjourned until Monday next, at 12 o'clock.

The question being on the adoption of the motion,

Mr. Daniel demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|-----------|-----------|
| Messrs. | Edelen, | Larsh, |
| Goldsborough, P't | Galloway, | Lee, |
| Audoun, | Harwood, | Marbury, |
| Barron, | Hatch, | Mitchell, |
| Belt, | Henkle, | Miller, |
| Berry, of P. Geo. | Hollyday, | Morgan, |
| Blackiston, | Hopkins, | Parran, |
| Bond, | Horsey, | Peter, |

| | | |
|--------------------|------------------|----------------|
| Briscoe, | Johnson, | Ridgely, |
| Chambers, | Jones, of Cecil, | Robinette, |
| Clarke, | Jones, of Som., | Russell, |
| Dail, | Kennard, | Smith, of Dor. |
| Davis, of Charles, | King, | Thomas, |
| Dennis, | Lansdale, | Wilmer—42. |
| Duvall, | | |

NEGATIVE.

| | | |
|------------------|-----------|--------------------|
| Messrs. | Farrow, | Sands, |
| Abbott, | Greene, | Schley, |
| Annan, | Hebb, | Smith, of Carroll, |
| Baker, | Hopper, | Sneary, |
| Brown, | Keefer, | Stirling, |
| Cunningham, | Mullikin, | Stockbridge, |
| Cushing, | Murray, | Swope, |
| Daniel, | Negley, | Sykes, |
| Davis, of Wash., | Nyman, | Valliant, |
| Dellinger, | Parker, | Wickard, |
| Earle, | Pugh, | Wooden—34. |
| Ecker, | Purnell, | |

So the question upon its adoption was decided in the affirmative.

Mr. Negley, from the majority of the Select Committee on the 39th section of the Report of the Committee on the Legislative Department, and amendments thereto, submitted the following

REPORT :

The undersigned members of the Special Committee, to whom was referred the 39th section in the Report of the Committee on the Legislative Department, and the proposed amendments thereto, beg leave to submit the following Majority Report, recommending the following as section 39, in the aforesaid Report :

Sec. 39. The Governor, Comptroller, and Treasurer, of the State, are hereby authorized, conjointly, or any two of them, to exchange the State's interest in the Baltimore and Ohio Rail Road Company, for an equal amount of the bonds or registered debt now owing by the State, and subject to such regulations and conditions as the General Assembly may from time to time prescribe, to sell the State's interest in the other works of internal improvement, whether as a stockholder or a creditor, also the State's interest in any Banking Corporation, and receive in payment the bonds and registered debt, now owing by the State, equal in amount to

the price obtained for the State's said interest ; Provided, that the interest of the State in the Washington Branch of the Baltimore and Ohio Rail Road be reserved and excepted from sale ; and that at the election to be held for the adoption or rejection of this Constitution, the sense of the people shall be taken, for or against the selling of the State's interest in all the works of Internal Improvement or other corporations.

All of which is respectfully submitted,

PETER NEGLEY,
DANIEL CLARKE,
JOS. H. AUDOUN,
ISAAC D. JONES,
C. S. PARRAN.

Mr. Stirling, from a minority of said Committee, submitted the following

REPORT :

The undersigned a minority of the Special Committee to which was referred the 39th section of the Report of the Committee on the Legislative Department, are not able to concur in the Report of the Majority for the reason, that after full investigation of the subject and consideration of the wide difference of opinion which exists in the Convention, they think it inexpedient to make any provision in the Constitution for the sale of the Public Works.

It is not the duty of the Convention to act on the subject as it is not necessarily or primarily a Constitutional subject, though under some circumstances it might have been expedient so to do.

The undersigned are satisfied that any action the Convention may take will dissatisfy a large part of the people, and they deem it wise to avoid all matters that may tend to produce side issues on the adoption of the Constitution by the people.

The undersigned doubt whether any plan from this Committee can command a majority of the Convention, and the time of the Convention will be taken up by mere amendments and more debate, they therefore recommend that the 39th Article be stricken out, and no Article be substituted in its place.

A. STIRLING, JR.,
JOS. B. PUGH,
FREDERICK SCHLEY,
WM. T. PURNELL.

On motion of Mr. Ridgely,

The said Reports were made the Order of the Day for Wednesday next at 12 o'clock.

Mr. Thomas gave notice that at the proper time he would submit the following amendment to section 39 of the report of the Committee on the Legislative Department :

“Sec. 39. The Legislature shall at its first session after the adoption of this Constitution, make a provision to submit to the people, at the first general election thereafter, the question of the sale of the State's interest in the works of Internal Improvement, and in the several banking corporations of the State; and in case the people vote in favor of such sale, the Legislature shall at its first session after said election pass a law to empower the Governor, Comptroller of the Treasury and Treasurer conjointly to make such sale, provided no such sale shall be made except upon the terms of an equal exchange of State stock, or bonds, or registered debt now owing by the State, for an equal amount of the State's interest in said works, or banking stock; and provided the State's interest in the Washington Branch, and of the Main Stem of the Baltimore and Ohio Rail Road shall be excepted from said sale; and that the Chesapeake and Ohio Canal shall not be sold to any incorporated company.”

Mr. Duvall gave notice that at the proper time he would offer an amendment that the Legislature should ratify any sale that may be made

On motion of Mr. Pugh,

The Convention adjourned until Monday next, 12 o'clock.

MONDAY, August 1st, 1864.

The Convention met at 12 o'clock, M.

Prayer by the Rev. Mr. McNemar.

All the members present except the following :

Messrs. Goldsborough, (President,) Barron, Belt, Berry, of Baltimore county, Berry, of Prince George's, Billingsley,

Blackiston, Bond, Briscoe, Brooks, Clarke, Crawford, Cunningham, Dail, Davis, of Charles, Dennis, Dent, Earle, Ecker, Edelen, Gale, Galloway, Harwood, Hatch, Henkle, Hoffman, Hollyday, Hopper, Jones, of Cecil, Jones, of Somerset, Keefer, King, Lansdale, Larsh, Marbury, Markey, Mayhugh, McComas, Mitchell, Morgan, Noble, Peter, Pugh, Ridgely, Russell, Sands, Schley, Schlosser, Scott, Smith, of Carroll, Smith, of Dorchester, Smith, of Worcester, Sykes, Thomas, Thruston, Todd, Wooden—57.

There being no quorum present,

On motion of Mr. Dellinger,

The Convention adjourned until to-morrow morning at 10 o'clock.

TUESDAY, August 2nd, 1864.

The Convention met at 10 o'clock, A. M.

Prayer by Rev. Mr. Davenport.

All the members present except the following :

Messrs. Barron, Belt, Berry, of Baltimore county, Berry, of Prince George's, Billingsley, Brooks, Chambers, Clarke, Crawford, Dail, Davis, of Charles, Dent, Edelen, Galloway, Henkle, Hodson, Hoffman, Hollyday, Jones, of Somerset, Mace, Mayhugh, Mitchell, Noble, Nyman, Ridgely, Schlosser, Scott, Smith, of Dorchester, Thomas, Thruston, Todd—31.

The proceedings of Friday last, and yesterday, were read and approved.

On motion of Mr. Sykes,

It was ordered to be entered upon the Journal, that Messrs. Sykes and Sands, of Howard, would have been in their places at roll call yesterday, but for accidental delay of the train aboard which they were.

On motion of Mr. Audoun,

It was ordered to be entered on the Journal, that Mr.

Thomas, of Baltimore city, is detained from his seat by sickness.

Mr. Cushing, from the Committee on Education, submitted the following

REPORT:

The Committee on Education and the Encouragement of Literature, beg leave to submit the following report:

ARTICLE 10.

EDUCATION.

Section 1. The Governor shall, by and with the advice and consent of the Senate, appoint, within ten days after the ratification by the people of this Constitution, a State Superintendent of Public Instruction, who shall hold his office for four years, receive an annual salary of three thousand dollars, exclusive of office and travelling expenses, report to the General Assembly within thirty days after the commencement of its first session under this Constitution, a uniform system of free public school education, and perform such other duties pertaining to his office as may from time to time be prescribed by law.

Sec. 2. There shall be an Assistant Superintendent of Public Instruction in each county and the city of Baltimore, who shall be appointed by the State Superintendent of Public Instruction, shall hold office for four years, receive such compensation and perform such duties as the General Assembly may prescribe.

Sec. 3. There shall be a State Board of Education, consisting of the Governor of the State, the Lieutenant Governor, the President of the Senate, the Speaker of the House of Representatives, and the State Superintendent of Public Instruction, which Board shall perform such duties as the General Assembly may direct.

Sec. 4. There shall be in each county five School Commissioners, who shall be appointed by the State Board of Education, shall hold office for four years, and shall perform such duties as the General Assembly may direct; the School Commissioners of Baltimore city shall remain as at present constituted, and be appointed as at present, by the Mayor and City Council.

Sec. 5. The General Assembly, at its first session after the adoption of this Constitution, shall provide a uniform system of free public schools, by which a school shall be kept open

and supported free of expense for tuition in each School District, for at least six months in each year ; and in case of a failure on the part of the General Assembly so to provide, the system reported to it by the State Superintendant of Public Instruction shall become a law, and have full effect as if enacted by the General Assembly; provided, that the report of the State Superintendant shall be in conformity with the provisions of this Constitution.

Sec. 6. The General Assembly shall levy at its first session after the adoption of this Constitution, an annual tax of not less than ten cents on each one hundred dollars of taxable property throughout the State for the support of the free public schools, which tax shall be collected at the same time, and by the same agents as the general State levy; and shall be paid into the Treasury of the State, and shall be distributed under such regulations as may be prescribed by law, among the Counties and the city of Baltimore, in proportion to their respective population between the ages of five and twenty years; Provided, that the General Assembly shall not levy any additional school tax upon particular counties, unless such county express by popular vote its desire for such tax ; the city of Baltimore shall provide for its school tax as at present.

Sec 7. The General Assembly shall further provide by law at its first session after the adoption of this Constitution, a fund for the support of the free common schools of the State, by the imposition of an annual tax of a not less annual amount than three hundred thousand dollars, the proceeds of which tax shall be known as the school fund, and shall be invested by the Treasurer, together with its annual interest, until such time as said fund shall, by its own increase and any additions which may be made to it from time to time, together with the present school fund, amount to six millions of dollars, after which time the principal shall remain forever inviolate, and shall only be further increased by such means as the Legislature may determine ; and the annual interest of said school fund shall be disbursed for educational purposes only, as may be prescribed by law.

J. M. CUSHING, Chairman,
B. A. CUNNINGHAM,
T. P. JONES,
A. C. GREENE,
J. L. RIDGELY,
E. J. HENKLE,
T. J. HODSON.

Which was read the first time.

Mr. Hebb from the Committee on the rights, duties, divisions and sub-divisions of Counties, submitted the following

REPORT:

The Committee on the rights, duties, divisions and sub-divisions of Counties, respectfully submit the following Report, to be embodied in a separate Article in the Constitution :

ARTICLE —.

COUNTIES AND TOWNSHIPS.

Sect. 1. The General Assembly shall provide for organizing new counties, locating and removing county seats, and changing county lines, but no new county shall be organized without the consent of a majority of the legal voters residing within the limits about to form said county, nor shall any new county contain less than four hundred square miles, nor less than ten thousand white inhabitants, nor shall any county be reduced below that amount of square miles, nor below that number of white inhabitants.

Sect. 2. The General Assembly may, provide by general law for dividing the counties into towns or permanent municipal corporations in place of the existing election districts, prescribing their limits, and confiding to them all powers necessary for the management of their public local concerns, and whenever the organization of these township corporations shall be perfected all officers provided for in this Constitution, but whose official functions shall have been superseded by such organizations, shall be dispensed with, and the affairs of such townss, and of the counties as affected by the action of such town, shall be transacted in such manner as the General Assembly shall direct.

HOPEWELL HEBB,
JNO. SWOPE,
JASPER ROBINETTE,
JAMES SYKES,
J. D. CARTER.

Which was read the first time.

On motion of Mr. Stockbridge,

The Report of the Committee on Future Amendments to the Constitution,

Was taken up.

Mr. Miller submitted the following amendment :

Section 2, first line, strike out the words "two-thirds," and insert the words "three-fifths ;"

Decided in the negative.

Mr. Chambers submitted the following amendment :

Add to section 2, the following words : "and no restriction shall be imposed by the Legislature as to the qualification of the persons to be chosen as delegates to such Convention,"

The question being on the adoption of the amendment,

Mr. Peter demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------|-----------|------------|
| Messrs. | Harwood, | Morgan, |
| Blackiston, | Johnson, | Parran, |
| Bond, | Lansdale, | Peter, |
| Briscoe, | Marbury, | Turner, |
| Chambers, | Miller, | Wilmer—15. |
| Gale, | | |

NEGATIVE.

| | | |
|-------------------|------------------|--------------------|
| Messrs. | Greene, | Parker, |
| Goldsborough, P't | Hatch, | Pugh, |
| Abbott, | Hebb, | Purnell, |
| Annan, | Hopkins, | Robinette, |
| Audoun, | Hopper, | Russell, |
| Baker, | Horsey, | Sands, |
| Brown, | Jones, of Cecil, | Schley, |
| Carter, | Keefer, | Smith, of Carroll, |
| Cunningham, | Kennard, | Smith, of Wor., |
| Cushing, | King, | Sneary, |
| Daniel, | Larsh, | Stirling, |
| Davis, of Wash., | Lee, | Stockbridge, |
| Dellinger, | Markey, | Swope, |
| Dennis, | McComas, | Sykes, |
| Earle, | Mullikin, | Valliant, |
| Ecker, | Murray, | Wickard, |
| Farrow, | Negley, | Wooden—50. |

So the question upon its adoption was decided in the negative.

Mr. Daniel submitted the following amendment :

Section 2, line 10, after the first word "shall" insert the words "have the same qualifications and,"

The question being on the adoption of the amendment,

Mr. Blackiston demanded the yeas and nays ;

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------|----------|------------|
| Messrs. | Hebb, | Mullikin, |
| Blackiston, | Hopkins, | Parker, |
| Briscoe, | Johnson, | Parran, |
| Brown, | King, | Peter, |
| Chambers, | Lee, | Robinette, |
| Daniel, | Marbury, | Turner, |
| Gale, | Miller, | Valliant, |
| Greene, | Morgan, | Wilmer—23. |

NEGATIVE.

| | | |
|-------------------|------------------|--------------------|
| Messrs. | Farrow, | Pugh, |
| Goldsborough, Pt. | Harwood, | Purnell, |
| Abbott, | Hatch, | Russell, |
| Annan, | Hopper, | Sands, |
| Audoun, | Horsey, | Schley, |
| Baker, | Jones, of Cecil, | Smith, of Carroll, |
| Bond, | Keefer, | Smith, of Wor., |
| Carter, | Kennard, | Sneary, |
| Cunningham, | Lansdale, | Stirling, |
| Cushing, | Larsh, | Stockbridge, |
| Davis, of Wash., | Markey, | Swope, |
| Dellinger, | McComas, | Sykes, |
| Dennis, | Murray, | Wickard, |
| Earle, | Negley, | Wooden—43. |
| Ecker, | | |

So the question upon its adoption was decided in the negative.

Mr. Chambers submitted the following amendment :

Sec. 3, line—, strike out the word "eighty" and insert the word "seventy,"

Decided in the negative.

Mr. Chambers submitted the following amendment :

Sec. 3, line 2, strike out the word "twentieth" and insert the word "tenth,"

Decided in the negative.

The report was then read the second time and ordered to be engrossed for a third reading.

On motion of Mr. Cushing,

The rules were suspended,

The report read the third time, and rejected for want of a Constitutional majority, by yeas and nays as follows:

AFFIRMATIVE.

| | | |
|-------------------|------------------|-----------------|
| Messrs. | Greene, | Pugh, |
| Goldsborough, P't | Hatch, | Purnell, |
| Abbott, | Hebb, | Robinette, |
| Annan, | Hopkins, | Russell, |
| Audoun, | Hopper, | Sands, |
| Baker, | Jones, of Cecil, | Schley, |
| Bond, | Keefer, | Smith of Car. |
| Carter, | Kennard, | Smith, of Wor., |
| Cunningham, | King, | Sneary, |
| Cushing, | Larsh, | Stirling, |
| Daniel, | Markey, | Stockbridge, |
| Davis, of Wash., | McComas, | Swope, |
| Dellinger, | Mullikin, | Sykes, |
| Earle, | Murray, | Valliant, |
| Ecker, | Negley, | Wickard, |
| Farrow, | Parker, | Wooden—46. |

NEGATIVE.

| | | |
|-------------|-----------|------------|
| Messrs. | Harwood, | Miller, |
| Blackiston, | Horsey, | Morgan, |
| Briscoe, | Johnson, | Parran, |
| Brown, | Lansdale, | Peter, |
| Chambers, | Lee, | Turner, |
| Dennis, | Marbury, | Wilmer—18. |
| Gale, | | |

On motion of Mr. Hebb,

The vote last taken was reconsidered.

The question again recurring upon the adoption of the report,

On motion of Mr. Miller,

The further consideration of it was informally passed over.

Mr. Hebb gave notice that he would on to-morrow move to amend Rule 44, of the Rules of the Convention, by striking out the word "elected" in the 6th line, and inserting the word "present,"

On motion of Mr. Stockbridge,

The report of the Committee to consider and report respecting the appointment, tenure of office, duties and compensation of all civil officers not embraced in the duties of other Standing Committees,

Was taken up.

Mr. Stockbridge submitted the following amendment:

Sec. 1. Amend by striking out from "stockholder" in 9th line, to "use" in line 11, and insert: "said Board of Public Works shall require the Directors of all said Public Works, from time to time, and as often as there shall be any change in the rates of toll on any of said Works, to furnish to said Board a schedule of such modified rates of toll and shall,"

Decided in the affirmative.

Mr. Purnell submitted the following amendment:

Section 1, line 2, after the word "who," insert the words "or a majority of them ;"

Decided in the negative.

Mr. Hebb submitted the following amendment:

Section 1, after the word "law," in the 26th line, insert the words "and a majority of them shall be competent to act ;"

Decided in the affirmative.

Mr. Bond submitted the following amendment:

Section 1, line 25, after the word "as," insert the words "have been used and practised by the existing board ;"

Decided in the negative.

Mr. Parran submitted the following amendment:

Section 1, line 26, strike out the word "hereafter ;"

Decided in the negative.

Mr. Schley submitted the following amendment:

Amend by striking out the word Legislature wherever it

occurs, and insert the words "General Assembly," in its stead ;

Decided in the affirmative.

Mr. Stirling submitted the following amendment :

Section 1, line 1, after the word "Governor," insert the words "Lieutenant Governor ;"

Decided in the negative.

Mr. Stirling submitted the following amendment :

Section 1, line 2, after the word "Treasurer," insert the words "Commissioner of the Land Office ;"

Decided in the negative.

Mr. Bond submitted the following amendment :

Section 1, line 6, strike out the word "has," and insert the words "may have ;"

Decided in the negative.

Mr. Sykes submitted the following amendment ;

Section 1, lines 17 and 18, strike out the word "Monday," and insert the word "Wednesday ;"

Decided in the affirmative.

Mr. Stockbridge submitted the following amendment :

Sec. 2. Amend by striking out from "on," in line 2, to "who," in line 3, and insert "Tuesday next after the first Monday in the month of November, in the year eighteen hundred and sixty-nine ;"

Decided in the affirmative.

Mr. Morgan submitted the following amendment :

Section 2. Amend by striking out the word "eighteen," in the 12th line and insert "fifteen ;"

The question being on the adoption of the amendment,

Mr. Morgan demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|----------|----------|------------|
| Messrs. | Gale, | Parker, |
| Annan, | Horsey, | Parran, |
| Bond, | Johnson, | Turner, |
| Briscoe, | Lee, | Wickard, |
| Brown, | Marbury, | Wilmer—16. |
| Dennis, | Morgan, | |

NEGATIVE.

| | | |
|-------------------|------------------|--------------------|
| Messrs. | Greene, | Peter, |
| Goldsborough, P't | Harwood, | Pugh, |
| Abbott, | Hebb, | Purnell, |
| Andoun, | Hopkins, | Robinette, |
| Baker, | Hopper, | Russell, |
| Blackiston, | Jones, of Cecil, | Sands, |
| Carter, | Keefer, | Schley, |
| Chambers, | Kennard, | Smith, of Carroll, |
| Cunningham, | King, | Smith, of Wor., |
| Cushing, | Lansdale, | Sneary, |
| Daniel, | Markey, | Stirling, |
| Davis, of Wash., | McComas, | Stockbridge, |
| Dellinger, | Miller, | Swope, |
| Earle, | Mullikin, | Sykes, |
| Ecker, | Murray, | Valliant, |
| Farrow, | Negley, | Wooden—47. |

So the question upon its adoption was decided in the negative.

Mr. King submitted the following amendment :

Sec. 2, line 10, strike out the word "now ;"

Decided in the negative.

Mr. Hebb submitted the following amendment :

Section 2, line 3, after the words "sixty-nine," insert the words "and on the same day in every sixth year thereafter ;"

Decided in the affirmative.

Mr. Daniel submitted the following amendment :

Section 2, line 11, after the word "office," insert the words "or such as may hereafter be prescribed by law ;"

Decided in the affirmative.

Mr. Briscoe submitted the following amendment :

Strike out section 2 of the Report ;

Decided in the negative.

Mr. Daniel submitted the following amendment :

Section 2. Insert after the word "office," in the 16th line, "both as Commissioner of the Land Office and Keeper of the Chancery Records ;"

Decided in the affirmative.

The question recurring upon the adoption of the amendment submitted by Mr. Briscoe,

On motion of Mr. Chambers,

The further consideration of the section was informally passed over.

Mr. Audoun submitted the following amendment :

Section 3. Strike out all after the word "be," in line one, as far as "his," in line three, and insert the words "appointed by the Judges of the Court of Appeals for four years, and shall be eligible to re-appointment ;"

Mr. Miller moved to amend the amendment by striking out the words "Judges of the Court of Appeals," and insert the word "Governor ;"

Decided in the negative.

The question recurring upon the amendment submitted by Mr. Audoun,

It was decided in the negative.

Mr. Peter submitted the following amendment :

Section 3. Strike out all after the word "the," in the first line, and insert the words :

"The State Librarian shall be elected by the qualified voters of the State on the — day of — in the year —, who shall hold his office for the term of six years from the first day of January next after his election. His salary shall be fifteen hundred dollars per annum, and there shall be no other perquisites or fees to his office ;"

Decided in the negative.

Mr. King submitted the following amendment :

Section 3. Strike out in the third line the word "fifteen," and insert the word "ten ;"

The question being on the adoption of the amendment,
Mr. King demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|----------|----------|------------|
| Messrs. | Gale, | King, |
| Annan, | Hopper, | Parran, |
| Briscoe, | Horsey, | Wickard, |
| Dennis, | Johnson, | Wilmer—13. |
| Ecker, | Keefer, | |

NEGATIVE.

| | | |
|-------------------|------------------|--------------------|
| Messrs. | Harwood, | Peter, |
| Goldsborough, P't | Hebb, | Pugh, |
| Abbott, | Hopkins, | Purnell, |
| Audoun, | Jones, of Cecil, | Robinette, |
| Baker, | Kennard, | Russell, |
| Blackiston, | Lansdale, | Sands, |
| Bond, | Larsh, | Schley, |
| Brown, | Lee, | Smith, of Carroll, |
| Carter, | Marbury, | Smith, of Wor., |
| Chambers, | Markey, | Sneary, |
| Cunningham, | McComas, | Stirling, |
| Daniel, | Miller, | Stockbridge, |
| Davis, of Wash., | Morgan, | Swope, |
| Dellinger, | Mullikin, | Sykes, |
| Earle, | Murray, | Turner, |
| Farrow, | Negley, | Valliant, |
| Greene, | Parker, | Wooden—50. |

So the question upon its adoption was decided in the negative.

Mr. Mulliken was excused from attending the sessions of the Convention for a few days.

On motion of Mr. Daniel,

The Convention took a recess until 8 o'clock this evening.

EVENING SESSION.

The Convention met at 8 o'clock, P. M.

All the members present except the following :

Messrs. Audoun, Barron, Belt, Berry, of Baltimore county, Berry, of Prince George's, Billingsley, Blackiston, Bond, Briscoe, Brooks, Brown, Carter, Chambers, Clarke, Crawford, Dail, Davis, of Charles, Davis, of Washington, Dellinger, Dennis, Dent, Duvall, Edelen, Gale, Harwood, Hatch, Henkle, Hodson, Hoffman, Hollyday, Hopkins, Horsey, Johnson, Jones, of Cecil, Lansdale, Larsh, Lee, Mace, Marbury, Mayhugh, Mitchell, Miller, Morgan, Mullikin, Negley, Noble, Nyman, Parran, Peter, Ridgely, Schlosser, Scott, Smith, of Dorchester, Sneary, Sykes, Thomas, Thruston, Todd, Turner, Valliant, Wickard, Wilmer—62.

There being no quorum present,

Mr. King moved a call of the Convention ;

The call being sustained,

The roll was called, and the following members responded :

Messrs. Goldsborough, (President,) Abbott, Annan, Baker, Cunningham, Cushing, Daniel, Dellinger, Earle, Ecker, Farrow, Galloway, Greene, Hebb, Hopper, Jones, of Somerset, Keefer, Kennard, King, Markey, McComas, Murray, Parker, Pugh, Purnell, Robinette, Russell, Sands, Schley, Smith, of Carroll, Smith, of Worcester, Sneary, Stirling, Stockbridge, Swope, Wooden—36.

On motion of Mr. Farrow,

The Sergeant-at-Arms was sent after the absent members.

The Sergeant-at-Arms returned and reported that he had notified the following members, all he could find in the city:

Messrs. Blackiston, Davis, of Washington, Duvall, Harwood, Lee, Marbury, Miller, Negley and Parran.

On motion of Mr. Stockbridge,

Further proceedings under the call were dispensed with.

There being no quorum present,

On motion of Mr. Kennard,

The Convention adjourned.

WEDNESDAY, August 3d, 1864.

The Convention met at 10 o'clock, A. M.

Prayer by the Rev. Mr. Patterson.

All the Members present except the following :

Messrs. Berry, of Baltimore county, Berry, of Prince George's, Billingsley, Brooks, Crawford, Dail, Davis, of Charles, Dennis, Dent, Edelen, Henkle, Mace, Mayhugh, Mitchell, Mulliken, Noble, Schlosser, Smith, of Dorchester, Thomas, Thurston, Todd—21.

The proceedings of yesterday were read and approved.

On motion of Mr. Morgan,

It was ordered to be entered on the Journal, that the absence of Chapman Billingsley from his seat in the Convention is in consequence of continued indisposition.

Mr. Hebb, in accordance with notice given yesterday, moved to amend Rule 44, of the Rules of the Convention, by striking out the word "elected," and inserting the word "present;"

The question being on the adoption of the motion,

Mr. Clark demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|------------------|------------------|--------------------|
| Messrs. | Hoffman, | Ridgely, |
| Abbott, | Hopkins, | Robinette, |
| Annan, | Hopper, | Russell, |
| Baker, | Jones, of Cecil, | Sands, |
| Carter, | Keefer, | Schley, |
| Cunningham, | Kennard, | Scott, |
| Cushing, | King, | Smith, of Carroll, |
| Daniel, | Larsh, | Sneary, |
| Davis, of Wash., | Markey, | Stirling, |
| Dellinger, | McComas, | Stockbridge, |
| Earle, | Murray, | Swope, |
| Ecker, | Negley, | Sykes, |
| Farrow, | Nyman, | Valliant, |

Galloway,
Greene,
Hebb,

Pugh,
Purnell,

Wickard,
Wooden—45.

NEGATIVE.

Messrs.
Goldsborough, Pt.
Audoun,
Barron,
Belt,
Blackiston,
Bond,
Briscoe,
Brown,
Chambers,
Clarke,

Duvall,
Gale,
Harwood,
Hatch,
Hodson,
Hollyday,
Horsey,
Johnson,
Jones, of Som.
Lansdale,

Lee,
Marbury,
Miller,
Morgan,
Parker,
Parran,
Peter,
Smith, of Wor.,
Turner,
Wilmer—30.

So the question upon its adoption was decided in the affirmative.

Mr. Belt submitted the following order :

Ordered, That the Committee on the Judiciary be requested to consider and report upon the following proposed section :

Sec. —. Any citizen having a claim against the State shall have the right to institute suit for the same, in the Circuit Court of the county in which he shall reside ; and if the judgment of such Court shall be in favor of the plaintiff, the duty of the Comptroller and Treasurer shall be to pay the amount of such judgment, without any appropriation by the General Assembly ; and the General Assembly shall pass all laws necessary to carry out the provisions of this section ;

Which was adopted.

Mr. Valliant gave notice, that he would move the following amendments to the Rules of the Convention :

“Amend Rule 42, by striking out in the first line, the words “except those otherwise herein provided for.”

Amend Rule 44, by striking out all from the word “majority,” in the 4th line, to the word “and” in the 9th line.

Mr. Purnell, from the Committee on Elections, submitted the following

REPORT :

The Committee on Elections, to, examine and consider the

credentials and to enquire into the validity of the election and qualification of the members elected to this Convention, respectfully submit the following Report :

Resolved, That all of the members holding seats in this Convention were returned duly elected, and having taken and subscribed the oath or affirmation before the Governor of this State, as prescribed by the Act to provide for the taking of the sense of the people upon the call of a Convention to frame a new Constitution and form of Government for this State, to provide for the election of Delegates to said Convention, and the assembling thereof, are deemed qualified and eligible to seats in this Convention.

WILLIAM T. PURNELL, Chairman,
WM. B. BOND,
JNO. BROWN,
SILAS LARSH,
SAMUEL KEEFER,
JOSEPH F. DAVIS.

Which was read the first time.

Mr. Negley from the Committee on the Treasury Department submitted the following

REPORT:

Section 1. There shall be a Treasury Department, consisting of a Comptroller, chosen by the qualified electors of the State —, who shall receive an annual salary of —, and of a Treasurer, to be appointed by the two Houses of the Legislature, — on joint ballot, who shall also receive an annual salary of —, and neither of said officers shall be allowed or receive any fees, commissions, or perquisites of any kind, in addition to his salary, for the performance of any duty or service whatever. In case of a vacancy in either of the offices, by death or otherwise, the Governor, by and with the advice and consent of the Senate, shall fill such vacancy by appointment, to continue until another election by the people, or a choice by the Legislature, as the case may be, and the qualification of the successor: The Comptroller and the Treasurer shall keep their offices at the seat of Government, and shall take such oath, and enter into such bonds, for the faithful discharge of their duties as the Legislature shall prescribe.

Sec. 2. The Comptroller shall have the general superintendence of the fiscal affairs of the State; he shall digest and prepare plans for the improvement and management of the revenue, and for the support of the public credit; prepare and

report estimates of the revenue and expenditure of the State; superintend and enforce the collection of all taxes and revenue, adjust, settle and preserve all public accounts; decide on the forms of keeping and stating accounts; grant, under regulations prescribed by law, all warrants for moneys to be paid out of the Treasury, in pursuance of appropriations by law; prescribe the formalities of the transfer of stock or other evidences of State debt, and countersign the same, without which such evidences shall not be valid; he shall make full reports of all his proceedings, and of the state of the Treasury Department within ten days after the commencement of each session of the Legislature, and perform such other duties as shall be prescribed by law.

Sec. 3. The Treasurer shall receive and keep the moneys of the State and disburse the same upon warrants drawn by the Comptroller, and not otherwise; he shall take receipts for all moneys paid by him, and all receipts for moneys received by him shall be endorsed upon warrants signed by the Comptroller, without which warrant, so signed, no acknowledgment of money received into the Treasury shall be valid; and upon warrants issued by the Comptroller he shall make arrangements for the payment of the interest of the public debt, and for the purchase thereof, on account of the sinking fund; every bond, certificate, or other evidence of the debt of the State, shall be signed by the Treasurer and countersigned by the Comptroller, and no new certificate or other evidence intended to replace another shall be issued until the old one shall be delivered to the Treasurer, and authority executed in due form for the transfer of the same, shall be filed in his office, and the transfer accordingly made on the books thereof, and the certificate or other evidence cancelled; but the Legislature may make provision for the loss of certificates or other evidence of the debt.

Sec. 4. The Treasurer shall render his accounts quarterly to the Comptroller; and on the third day of each session of the Legislature he shall submit to the Senate and House of Delegates fair and accurate copies of all accounts by him from time to time rendered and settled with the Comptroller; he shall at all times submit to the Comptroller the inspection of the moneys in his hands, and perform all other duties that shall be prescribed by law.

PETER NEGLEY,
D. J. MARKEY,
JAMES U. DENNIS,
JOS. M. CUSHING.

Which was read the first time.

On motion of Mr. Hebb,

The consideration of the unfinished business of yesterday was postponed, and the report of the Committee on Future Amendments to the Constitution, taken up.

The report having been read the third time, was passed by yeas and nays as follows:

AFFIRMATIVE.

| | | |
|-------------------|------------------|--------------------|
| Messrs. | Hatch, | Purnell, |
| Goldsborough, P't | Hebb, | Ridgely, |
| Abbott, | Hoffman, | Robinette, |
| Annan, | Hopkins, | Russell, |
| Audoun, | Hopper, | Sands, |
| Baker, | Jones, of Cecil, | Schley, |
| Barron, | Keefer, | Scott, |
| Carter, | Kennard, | Smith, of Carroll, |
| Cunningham, | King, | Smith, of Wor., |
| Cushing, | Larsh, | Sneary, |
| Daniel, | Markey, | Stirling, |
| Davis, of Wash., | McComas, | Stockbridge, |
| Dellinger, | Murray, | Swope, |
| Earle, | Negley, | Sykes, |
| Ecker, | Nyman, | Valliant, |
| Farrow, | Parker, | Wickard |
| Galloway, | Pugh, | Wooden—51. |
| Greene, | | |

NEGATIVE.

| | | |
|-------------|-----------------|------------|
| Messrs. | Gale, | Lee, |
| Belt, | Harwood, | Marbury, |
| Blackiston, | Hodson, | Miller, |
| Bond, | Hollyday, | Morgan, |
| Briscoe, | Horsey, | Parran, |
| Brown, | Johnson, | Peter, |
| Chambers, | Jones, of Som., | Turner, |
| Clarke, | Lansdale, | Wilmer—24. |
| Duvall, | | |

On motion of Mr. Daniel,

The Convention proceeded to the consideration of the report of the Committee to consider and report respecting the appointment, tenure of office, duties and compensation of all civil offices not embraced in the duties of other Standing Committees.

Mr. Stirling submitted the following amendment:

Sec. 3, line 2, strike out the word "four" and insert the word "two."

The question being on the adoption of the amendment,

Mr. Daniel demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------|------------------|--------------------|
| Messrs. | Jones, of Cecil, | Schley, |
| Abbott, | Keefer, | Scott, |
| Annan, | King, | Smith, of Carroll, |
| Baker, | Lee, | Stirling, |
| Cunningham, | Markey, | Stockbridge, |
| Ecker, | McComas, | Swope, |
| Galloway, | Murray, | Sykes, |
| Harwood, | Parran, | Turner, |
| Hebb, | Pugh, | Wickard, |
| Hoffman, | Robinette, | Wilmer, |
| Hopper, | Sands, | Wooden—32. |

NEGATIVE.

| | | |
|-------------------|-----------------|-----------------|
| Messrs. | Dellinger, | Larsh, |
| Goldsborough, P't | Duvall, | Marbury, |
| Audoun, | Earle, | Miller, |
| Barron, | Farrow, | Morgan, |
| Belt, | Gale, | Negley, |
| Blackiston, | Greene, | Nyman, |
| Bond, | Hatch, | Parker, |
| Briscoe, | Hodson, | Peter, |
| Brown, | Hollyday, | Purnell, |
| Carter, | Hopkins, | Ridgely, |
| Chambers, | Horsey, | Russell, |
| Clarke, | Johnson, | Smith, of Wor., |
| Cushing, | Jones, of Som., | Sneary, |
| Daniel, | Kennard, | Valliant—43. |
| Davis, of Wash., | Lansdale, | |

So the question upon its adoption was decided in the negative.

Mr. King submitted the following amendment :

Section 3, line 4th, after the word "annum," insert the words "the Legislature shall pass no laws whereby he shall receive any additional compensation ;"

The question being on the adoption of the amendment,

Mr. King demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|------------------|------------------|--------------------|
| Messrs. | Galloway, | Negley, |
| Goldsbrough, P't | Hatch, | Nyman, |
| Annan, | Hoffman, | Parker, |
| Audoun, | Hopkins, | Parran, |
| Baker, | Hopper, | Peter, |
| Barron, | Jones, of Cecil, | Ridgely, |
| Bond, | Jones, of Som., | Robinette, |
| Brown, | Keefer, | Russell, |
| Carter, | King, | Smith, of Carroll, |
| Clarke, | Lansdale, | Swope, |
| Cunningham, | Larsh, | Sykes, |
| Davis, of Wash., | Lee, | Turner, |
| Duvall, | Markey, | Wickard, |
| Ecker, | McComas, | Wilmer, |
| Gale, | Morgan, | Wooden—44. |

NEGATIVE.

| | | |
|-------------|----------|-----------------|
| Messrs. | Farrow, | Pugh, |
| Abbott, | Greene, | Purnell, |
| Belt, | Harwood, | Sands, |
| Blackiston, | Hebb, | Schley, |
| Briscoe, | Horse, | Scott, |
| Chambers, | Johnson, | Smith, of Wor., |
| Cushing, | Kennard, | Sneary, |
| Daniel, | Marbury, | Stirling, |
| Dellinger, | Miller, | Stockbridge, |
| Earle, | Murray, | Valliant—29. |

So the question upon its adoption was decided in the affirmative.

Mr. Valliant submitted the following amendment :

Strike out all from the word "qualified," in the 3rd line, to "he," in the 4th line, and insert, "the salary of the present incumbent shall be fifteen hundred dollars per annum, to begin on the 1st January 1865, and continue till the close of his present term of office, but thereafter he nor his successor shall not receive more than \$1,000, unless otherwise determined by the General Assembly;"

Decided in the negative.

Mr. Stirling submitted the following amendment :

Strike out the third section and insert :

“The State Librarian shall be elected by joint vote of the two branches of the Legislature for four years, and until his successor shall be elected and qualified ; he shall perform such duties and receive such compensation as are now prescribed or paid, or may hereafter be prescribed by law ;”

Decided in the negative.

Mr. Duvall submitted the following amendment :

Amend section 3, by adding the following words :

“And whenever the General Assembly shall appropriate any amount of money for the expenses of any duties to be performed by the Librarian, such amount shall be only paid by the Comptroller and Treasurer upon the order of the Governor of the State, who shall transmit to the next succeeding General Assembly a report giving the details of such expenses ;”

Decided in the negative.

Mr. Purnell submitted the following amendment :

Section 4. Amend by striking out all after the word “the” in the fourth line to the word “and,” in the fifth line, and insert “Tuesday next after the first Monday of November, in the year eighteen hundred and sixty-five ;”

Decided in the affirmative.

Mr. Ridgely submitted the following amendment :

Section 4. Strike out in the third line, the words “general ticket and not by districts,” and insert “in such manner and for such term as the Legislature may prescribe ;”

Pending the consideration of which,

The time having arrived for taking up the Order of the Day, the Convention proceeded to the consideration of the Majority Report of the Committee appointed to consider the 39th section of the Report of the Committee on the Legislative Department, to wit :

The undersigned members of the Special Committee, to whom was referred the 39th section in the Report of the Committee on the Legislative Department, and the proposed amendments thereto, beg leave to submit the following Majority Report, recommending the following as section 39, in the aforesaid Report :

Sec. 39. The Governor, Comptroller, and Treasurer, of the State, are hereby authorized, conjointly, or any two of them, to exchange the State's interest in the Baltimore and Ohio Rail Road Company, for an equal amount of the bonds or registered debt now owing by the State, and subject to such regulations and conditions as the General Assembly may from time to time prescribe, to sell the State's interest in the other works of internal improvement, whether as a stockholder or a creditor, also the State's interest in any Banking Corporation, and receive in payment the bonds and registered debt, now owing by the State, equal in amount to the price obtained for the State's said interest ; Provided, that the interest of the State in the Washington Branch of the Baltimore and Ohio Rail Road be reserved and excepted from sale ; and that at the election to be held for the adoption or rejection of this Constitution, the sense of the people shall be taken, for or against the selling of the State's interest in all the works of Internal Improvement or other corporations.

All of which is respectfully submitted,

PETER NEGLEY,
DANIEL CLARKE,
JOS. H. AUDOUN,
ISAAC D. JONES,
C. S. PARRAN.

Mr. Clarke submitted the following amendment :

Sec 39. Amend Majority Report of Special Committee, by striking out all after the word "and," in the 15th line, and insert, "provided further, that no sale or contract of sale of the State's interest in the Chesapeake and Ohio Canal Company shall go into effect, until the same shall be ratified by the ensuing General Assembly."

Mr. Stirling submitted the following amendment to the amendment,

Amend by striking out all after the words "provided further," and insert "that the State's interest in the Chesapeake and Ohio Canal, and the Chesapeake and Delaware Canal, and the Tide Water Canal Companies be exempted from said sale ;"

On motion of Mr. Briscoe,

The subject was divided.

The question being on the adoption of the first clause of

the amendment to the amendment, viz: "to except the Chesapeake and Ohio Canal ;"

Mr. Hebb demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|------------------|-----------|--------------------|
| Messrs. | Hebb, | Ridgely, |
| Annan, | Hoffman, | Robinette, |
| Baker, | Hopkins, | Russell, |
| Barron, | Hopper, | Sands, |
| Blackiston, | Keefer, | Scott, |
| Cunningham, | King, | Smith, of Carroll, |
| Cushing, | Lansdale, | Smith, of Wor., |
| Daniel, | Larsh, | Sneary, |
| Davis, of Wash., | Marbury, | Stirling, |
| Dellinger, | Morgan, | Stockbridge, |
| Duvall, | Murray, | Swope, |
| Earle, | Negley, | Sykes, |
| Ecker, | Peter, | Valliant, |
| Farrow, | Pugh, | Wickard, |
| Galloway, | Purnell, | Wooden—45. |
| Greene, | | |

NEGATIVE.

| | | |
|-------------------|------------------|------------|
| Messrs. | Gale, | Markey, |
| Goldsborough, P't | Harwood, | McComas, |
| Abbott, | Hatch, | Miller, |
| Audoun, | Hollyday, | Nyman, |
| Belt, | Horse, | Parker, |
| Bond, | Johnson, | Parran, |
| Briscoe, | Jones, of Cecil, | Schley, |
| Brown, | Jones, of Som. | Turner, |
| Carter, | Lee, | Wilmer—27. |
| Chambers, | | |

So the question upon its adoption was decided in the affirmative.

The question next being on the second clause of the amendment to the amendment, to except the Chesapeake and Delaware Canal;

Mr. Miller demanded the yeas and nays;

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------|------------|--------------------|
| Messrs. | Hebb, | Russell, |
| Annan, | Hopkins, | Sands, |
| Baker, | Hopper, | Scott, |
| Barron, | Keefer, | Smith, of Carroll, |
| Blackiston, | Kennard, | Smith, of Wor., |
| Briscoe, | Lansdale, | Sneary, |
| Daniel, | Marbury, | Stirling, |
| Duvall, | Morgan, | Swope, |
| Earle, | Murray, | Sykes, |
| Ecker, | Peter, | Turner, |
| Farrow, | Pugh, | Wickard, |
| Galloway, | Purnell, | Wooden—37. |
| Greene, | Robinette, | |

NEGATIVE.

| | | |
|-------------------|------------------|--------------|
| Messrs. | Harwood, | McComas, |
| Goldsborough, Pt. | Hatch, | Miller, |
| Abbott, | Hoffman, | Negley, |
| Audoun, | Hollyday, | Nyman, |
| Belt, | Horsey, | Parker, |
| Brown, | Johnson, | Parran, |
| Carter, | Markey, | Ridgely, |
| Chambers, | Jones, of Cecil, | Schley, |
| Cunningham, | Jones, of Som., | Stockbridge, |
| Davis, of Wash., | King, | Valliant, |
| Dellinger, | Larsh, | Wilmer —34. |
| Gale, | Lee, | |

So the question upon its adoption was decided in the affirmative.

The question next being on the adoption of the last clause of the amendment to the amendment, to except the Tide Water Canal Company.

Mr. Miller demanded the yeas and nays;

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|---------|----------|--------------------|
| Messrs. | Greene, | Russell, |
| Annan, | Hebb, | Sands, |
| Baker, | Hopkins, | Scott, |
| Barron, | Hopper, | Smith, of Carroll, |

| | | |
|-------------|------------|-----------------|
| Blackiston, | Keefer, | Smith, of Wor., |
| Briscoe, | Kennard, | Sneary, |
| Cunningham, | Lansdale, | Stirling, |
| Daniel, | Morgan, | Swope, |
| Duvall, | Murray, | Sykes, |
| Earle, | Peter, | Turner, |
| Ecker, | Pugh, | Wickard, |
| Farrow, | Purnell, | Wooden—37. |
| Galloway, | Robinette, | |

NEGATIVE.

| | | |
|-------------------|------------------|--------------|
| Messrs. | Hatch, | McComas, |
| Goldsborough, P't | Hoffman, | Miller, |
| Abbott, | Hollyday, | Negley, |
| Audoun, | Horsey, | Nyman, |
| Belt, | Johnson, | Parker, |
| Brown, | Jones, of Cecil, | Parran, |
| Carter, | Jones, of Som., | Ridgely, |
| Chambers, | King, | Schley, |
| Davis, of Wash., | Larsh, | Stockbridge, |
| Dellinger, | Marbury, | Valliant, |
| Gale, | Markey, | Wilmer—33. |
| Harwood, | | |

So the question upon its adoption was decided in the affirmative.

Mr. Stockbridge moved that when the Convention adjourns, it stands adjourned until Friday next at 10 o'clock,

Decided in the affirmative.

Messrs. Sykes and Peter were excused from attending the sessions of the Convention until Monday.

Mr. King moved that the Convention do now adjourn;

The question being on the adoption of the motion,

Mr. Negley demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|------------------|----------|
| Messrs. | Hopkins, | Parran, |
| Goldsborough, P't | Horsey, | Peter, |
| Audoun, | Johnson, | Pugh, |
| Blackiston, | Jones, of Cecil, | Purnell, |
| Briscoe, | Jones, of Som., | Ridgely, |

Brown,
Chambers,
Duvall,
Earle,
Gale,
Greene,
Harwood,
Hatch,
Hoffman,
Hollyday,

Kennard,
King,
Lansdale,
Larsh,
Lee,
Marbury,
Miller,
Morgan,
Murray,
Nyman,

Russell,
Scott,
Smith, of Wor.,
Sneary,
Stirling,
Stockbridge,
Sykes,
Turner,
Wilmer—43.

NEGATIVE.

Messrs.
Abbott,
Annan,
Baker,
Belt,
Cunningham,
Cushing,
Daniel,
Davis, of Wash.,

Dellinger,
Ecker,
Farrow,
Galloway,
Hebb,
Hopper,
Keefer,
Markey,
McComas,

Negley,
Parker,
Robinette,
Schley,
Smith, of Carroll,
Swope,
Valliant,
Wickard,
Wooden—26.

So the Convention adjourned until Friday next, at 10 o'clock.

FRIDAY, August 5th, 1864.

The Convention met at 10 o'clock, A. M.

Prayer by the Rev. Mr. Patterson.

All the members present except the following :

Messrs. Barron, Belt, Berry, of Baltimore county, Berry, of P. George's, Billingsley, Briscoe, Brooks, Crawford, Cushing, Dail, Davis, of Charles, Dennis, Dent, Edelen, Henkle, Hodson, Jones, of Somerset, Markey, Mitchell, Mullikin, Noble, Peter, Sands, Schlosser, Smith, of Dorchester, Swope, Sykes, Thomas, Thruston—29.

The proceedings of Wednesday were read and approved.

Mr. Chambers submitted a protest against the order submitted by Mr. Schley and adopted by the Convention on the 19th inst., and the resolutions submitted by Mr. Stirling, and adopted by the Convention on the 20th inst., in reference to the removal beyond the lines of the army of sympathizers with the rebellion;

Mr. Chambers moved that said protest be entered on the Journal.

The question being on the adoption of the motion,

Mr. Hatch demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|-----------|--------------------|
| Messrs. | Gale, | Mace, |
| Goldsborough, P't | Harwood, | Marbury, |
| Blackiston, | Henkle, | Miller, |
| Bond, | Hollyday, | Morgan, |
| Brown, | Horsey, | Parran, |
| Chambers, | Johnson, | Ridgely, |
| Clarke, | Lansdale, | Smith, of Carroll, |
| Daniel, | Larsh, | Turner, |
| Duvall, | Lee, | Wilmer—26. |

NEGATIVE.

| | | |
|------------------|------------------|-----------------|
| Messrs. | Hebb, | Pugh, |
| Abbott, | Hoffman, | Purnell, |
| Annan, | Hopkins, | Robinette, |
| Audoun, | Hopper, | Russell, |
| Baker, | Jones, of Cecil, | Schley, |
| Carter, | Keefer, | Scott, |
| Cunningham, | Kennard, | Smith, of Wor., |
| Davis, of Wash., | King, | Sneary, |
| Dellinger, | Mayhugh, | Stirling, |
| Earle, | McComas, | Stockbridge, |
| Ecker, | Murray, | Todd, |
| Farrow, | Negley, | Valliant, |
| Galloway, | Nyman, | Wickard, |
| Greene, | Parker, | Wooden—42. |
| Hatch, | | |

So the question upon its adoption was decided in the negative.

Mr. Valliant in accordance with notice previously given,

moved to amend Rule 42, of the Rules of the Convention, by striking out in the first line, the words "except those otherwise provided for ;"

Decided in the affirmative.

Mr. Valliant, also moved to amend Rule 44, by striking out all after the word "majority," in the fourth line, to the word "and" in the ninth line ;

Decided in the affirmative.

The Convention proceeded to the consideration of the Report of the Majority of the Select Committee on the 39th section of the Legislative Department,

The question being on the adoption of the amendment submitted by Mr. Clark, as amended by Mr. Stirling ;

Mr. Clarke demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------|----------|--------------------|
| Messrs. | Greene, | Robinette, |
| Annan, | Hebb, | Smith, of Carroll, |
| Baker, | Hopkins, | Stirling, |
| Cunningham, | Hopper, | Stockbridge, |
| Ecker, | Keefer, | Todd, |
| Farrow, | Murray, | Wickard, |
| Galloway, | Pugh, | Wooden—20. |

NEGATIVE.

| | | |
|------------------|------------------|-----------------|
| Messrs. | Hatch, | Miller, |
| Abbott, | Henkle, | Morgan, |
| Audoun, | Hoffman, | Negley, |
| Belt, | Hollyday, | Nyman, |
| Blackiston, | Horsey, | Parker, |
| Bond, | Johnson, | Parran, |
| Brown, | Jones, of Cecil, | Purnell, |
| Carter, | Kennard, | Ridgely, |
| Chambers, | King, | Russell, |
| Clarke, | Lansdale, | Schley, |
| Daniel, | Larsh, | Scott, |
| Davis, of Wash., | Lee, | Smith, of Wor., |
| Dellinger, | Mace, | Sneary, |
| Earle, | Marbury, | Turner, |
| Gale, | Mayhugh, | Valliant, |
| Harwood, | McComas, | Wilmer—47. |

So the question upon its adoption was decided in the negative.

Mr. Clarke submitted the following amendment:

Amend the section by striking out all after the word "and" in line fifteen, and insert "provided further, that no sale or contract of sale of the State's interest in the Chesapeake and Ohio Canal, the Chesapeake and Delaware Canal, and the Tide Water Canal Companies, shall go into effect, until the same shall be ratified by the ensuing General Assembly ;"

Mr. Schley submitted the following amendment to the amendment:

Amend amendment by adding: "and provided further, that the State's interest in the Chesapeake and Ohio Canal Company shall not be sold for less than five millions of dollars."

The question being on the adoption of the amendment to the amendment;

Mr. Schley, demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows:

AFFIRMATIVE.

| | | |
|-------------|------------------|-----------------|
| Messrs. | Hebb, | Smith, of Wor., |
| Cunningham, | Hopkins, | Stirling, |
| Daniel, | Hopper, | Stockbridge, |
| Duvall, | Jones, of Cecil, | Todd, |
| Earle, | Keefer, | Wickard, |
| Ecker, | Schley, | Wooden—19. |
| Greene, | Scott, | |

NEGATIVE.

| | | |
|-------------|-----------|------------|
| Messrs. | Harwood, | Miller, |
| Abbott, | Hatch, | Morgan, |
| Annan, | Henkle, | Murray, |
| Audoun, | Hoffman, | Negley, |
| Baker, | Hollyday, | Nyman, |
| Belt, | Horsey, | Parker, |
| Blackiston, | Johnson, | Parran, |
| Bond, | Kennard, | Purnell, |
| Brown, | King, | Ridgely, |
| Carter, | Lansdale, | Robinette, |
| Chambers, | Larsh, | Russell, |

| | | |
|------------------|----------|--------------------|
| Clarke, | Lee, | Smith, of Carroll, |
| Davis, of Wash., | Mace, | Sneary, |
| Dellinger, | Marbury, | Turner, |
| Gale, | Mayhugh, | Valliant, |
| Galloway, | McComas, | Wilmer—47. |

So the question upon its adoption was decided in the negative.

Mr. Duvall submitted the following amendment :

Add to the amendment the words:

“And unless the said purchaser or purchasers of the Chesapeake and Ohio Canal shall in proper form secure to the holders of scrip and other creditors of said company the payment of such scrip and debts within twenty years from the date of such sale, with annual interest at six per cent.”

Decided in the negative.

The question recurring upon the amendment submitted by Mr. Clarke,

It was decided in the affirmative.

Mr. Hebb submitted the following amendment :

Strike out all after the word “the” in the first line and insert :

“General Assembly shall so soon as the public debt shall have been fully paid off, cause to be transferred to the several counties and the city of Baltimore stock in the Internal Improvement Companies equal to the amount respectively paid by each towards the erection and completion of said works, at the then market value of said stock.”

Mr. Miller submitted the following amendment to the amendment:

Insert before the words “General Assembly” in the first line, the words:

“The General Assembly shall pass no law providing in any way for the sale of the State’s interest in any of the works of Internal Improvement but the”

Mr. Negley called the previous question ;

The question being,

“Shall the main question be now put?”

It was decided in the affirmative.

The question next being the on the amendment of Mr. Miller ;

Mr. Miller, demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-----------------|---------|----------------|
| Messrs. Duvall, | Miller, | Stockbridge—3. |
|-----------------|---------|----------------|

NEGATIVE.

| | | |
|-------------------|------------------|--------------------|
| Messrs. | Greene, | Murray, |
| Goldsborough, P't | Harwood, | Negley, |
| Abbott, | Hatch, | Nyman, |
| Annan, | Hebb, | Parker, |
| Audoun, | Hoffman, | Parran, |
| Baker, | Hollyday, | Pugh, |
| Belt, | Hopkins, | Purnell, |
| Blackiston, | Hopper, | Ridgely, |
| Bond, | Horsey, | Robinette, |
| Brown, | Johnson, | Russell, |
| Carter, | Jones, of Cecil, | Schley, |
| Chambers, | Keefer, | Scott, |
| Clarke, | Kennard, | Smith, of Carroll, |
| Cunningham, | King, | Smith, of Wor., |
| Daniel, | Lansdale, | Sneary, |
| Davis, of Wash., | Larsh, | Stirling, |
| Dellinger, | Lee, | Todd, |
| Earle, | Mace, | Turner, |
| Ecker, | Marbury, | Valliant, |
| Farrow, | Mayhugh, | Wickard, |
| Gale, | McComas, | Wilmer, |
| Galloway, | Morgan, | Wooden—65. |

So the question upon its adoption was decided in the negative.

The question then being on the adoption of the amendment submitted by Mr. Hebb ;

Mr. Hebb demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|---------|---------|------------|
| Messrs. | Greene, | Purnell, |
| Annan, | Hebb, | Robinette, |

Baker,
Cunningham,
Daniel,
Duvall,
Ecker,
Farrow,

Hopkins,
Hopper,
Keefer,
Morgan,
Pugh,

Smith, of Carroll,
Smith, of Wor.,
Stockbridge,
Wickard,
Wooden—21.

NEGATIVE.

Messrs.
Abbott,
Audoun,
Belt,
Blackiston,
Bond,
Brown,
Carter,
Chambers,
Clark,
Davis, of Wash.,
Dellinger,
Earle,
Gale,
Galloway,
Harwood,

Hatch,
Hoffman,
Hollyday,
Horsey,
Johnson,
Jones, of Cecil,
Kennard,
King,
Lansdale,
Larsh,
Lee,
Mace,
Marbury,
Mayhugh,
McComas,
Miller,

Murray,
Negley,
Nyman,
Parker,
Parran,
Ridgely,
Russell,
Schley, ■
Scott,
Sneary,
Stirling,
Todd,
Turner,
Valliant,
Wilmer—46.

So the question upon its adoption was decided in the negative.

The question then recurring upon the adoption of the Report of the Majority of the Committee as amended ;

Mr. Daniel demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.
Abbott,
Annan,
Audoun,
Belt,
Blackiston,
Brown,
Chambers,
Clarke,
Davis, of Wash.,
Duvall,

Hatch,
Hoffman,
Hollyday,
Hopkins,
Horsey,
Johnson,
Jones, of Cecil,
Kennard,
King,
Lansdale,
Larsh,

Marbury,
Mayhugh,
McComas,
Miller,
Negley,
Parker,
Parran,
Ridgely,
Russell,
Schley,
Turner,

Gale,
Galloway,
Harwood,

Lee,
Mace,

Valliant,
Wilmer—39.

NEGATIVE.

Messrs.

Baker,
Bond,
Carter,
Cunningham,
Daniel,
Dellinger,
Earle,
Ecker,
Farrow,

Greene,
Hebb,
Hopper,
Keefer,
Morgan,
Murray,
Nyman,
Pugh,
Purnell,
Robinette,

Scott,
Smith, of Carroll,
Smith, of Wor.
Sneary,
Stirling,
Stockbridge,
Todd,
Wickard,
Wooden—28.

The question upon its adoption was decided in the affirmative.

Mr. Hebb submitted the following amendment as an addition to section 39 of the Legislative Report :

“Provided further, that before any transfer shall be made of the interest of the State in the said Chesapeake and Ohio Canal, the Chesapeake and Ohio Canal Company shall in proper form secure to the holders of scrip and other creditors of said company, the payment of said scrip and debts ;

Mr. Chambers rose to a point of order, that the section having been adopted under the action of the previous question could not be further amended.

The President decided the amendment to be in order ;

Mr. Chambers appealed from the decision of the Chair ;

The question being,

“Shall the decision of the Chair be sustained ?”

On motion of Mr. Pugh,

The Convention took a recess until 8 o'clock.

EVENING SESSION.

The Convention met at 8 o'clock, P. M.

All the members present except the following :

Messrs. Barron, Berry, of Baltimore county, Berry, of Prince George's, Billingsley, Blackiston, Bond, Briscoe. Brooks, Brown, Carter, Chambers, Crawford, Cushing, Dail, Davis, of Charles, Dennis, Dent, Edelen, Gale, Hatch, Hodson, Hoffman, Horsey, Johnson, Jones, of Cecil, Jones, of Somerset, Kennard, Larsh, Mace, McComas, Mitchell, Morgan, Mullikin, Noble, Sands, Schlosser, Smith, of Dorchester, Swope, Sykes, Thomas, Thruston, Turner, Valliant, Wickard, Wilmer, Wooden—46.

The Convention resumed the consideration of the Report of the Committee on the Legislative Department ;

The question being on sustaining the Chair, in his decision upon the amendment of Mr. Hebb;

On motion of Mr. Abbott,

The appeal was laid on the table.

The question recurring upon the adoption of the amendment submitted by Mr. Hebb,

It was decided in the negative.

Mr. Ridgely submitted the following amendment :

In the third line, after the word "interest," insert the words "as stockholder and creditors ;"

Decided in the affirmative.

Mr. Clark submitted the following amendment to the Report of the Committee on the Legislative Department :

Insert as an additional section the following :

Sec. —. The Legislature at its first session after the adoption of this Constitution shall provide a mode by which those persons who were owners of slaves under the laws of this State, on the 1st day of January, 1861, or at the time of the adoption of this Constitution, or during the intervening period, may perpetuate the evidence of the number, names, ages and sex of the slaves so owned by them respectively, and by which those persons who have sustained losses of property by reason of the invasion of the State by the public

enemy may perpetuate the evidence of the ownership, value, and loss of such property.

The question being on its adoption ;

Mr. Clarke demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows:

AFFIRMATIVE.

| | | |
|----------|-----------|----------|
| Messrs. | Henkle, | Negley, |
| Belt, | Hollyday, | Parran, |
| Brown, | Lansdale, | Peter, |
| Clarke, | Lee, | Ridgely, |
| Duvall, | Marbury, | Sneary, |
| Harwood, | Miller, | Todd—17. |

NEGATIVE.

| | | |
|-------------------|-----------|--------------------|
| Messrs. | Farrow, | Parker, |
| Goldsborough, P't | Galloway, | Pugh, |
| Abbott, | Greene, | Purnell, |
| Annan, | Hebb, | Robinette, |
| Audoun, | Hopkins, | Russell, |
| Baker, | Hopper, | Schley, |
| Cunningham, | Keefer, | Scott, |
| Daniel, | King, | Smith, of Carroll, |
| Davis, of Wash., | Markey, | Smith, of Wor., |
| Dellinger, | Mayhugh, | Stirling, |
| Earle, | Murray, | Stockbridge—34. |
| Ecker, | Nyman, | |

So the question upon its adoption was decided in the negative.

Mr. Clark submitted the following amendment :

Sec. —. No free negro or free mulatto, except while in the military service of the United States, shall come into or settle in this State after the adoption of this Constitution ;

Mr. Marbury submitted the following amendment to the amendment :

Add the words “except those freed by this Constitution;”

Decided in the negative.

The question recurring upon the adoption of the amendment submitted by Mr. Clarke,

Mr. Clarke demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|----------|-----------|----------|
| Messrs. | Henkle, | Markey, |
| Belt, | Hollyday, | Miller, |
| Brown, | Lansdale, | Parran, |
| Clarke, | Lee, | Peter, |
| Duvall, | Marbury, | Todd—15. |
| Harwood, | | |

NEGATIVE.

| | | |
|-------------------|-----------|-----------------|
| Messrs. | Galloway, | Pugh, |
| Goldsborough, P't | Greene, | Purnell, |
| Abbott, | Hebb, | Ridgely, |
| Annan, | Hopkins, | Robinette, |
| Audoun, | Hopper, | Russell, |
| Baker, | Keefer, | Schley, |
| Cunningham, | King, | Scott, |
| Daniel, | Mayhugh, | Smith of Car. |
| Davis, of Wash., | Murray, | Smith, of Wor., |
| Dellinger, | Negley, | Sneary, |
| Earle, | Nyman, | Stirling, |
| Ecker, | Parker, | Stockbridge—36. |
| Farrow, | | |

So the question upon its adoption was decided in the negative.

Mr. Hebb submitted the following amendment :

Insert as an additional section, the following:

“Sec. —. The General Assembly before authorizing the sale of the State's interest in the Chesapeake and Ohio Canal and before prescribing regulations and conditions for said sale, shall pass all laws that may be necessary to authorize the counties of Allegany, Washington, Frederick and Montgomery, or any of them, to create a debt by the issue of bonds or otherwise, so as to enable them, or any of them, to become the purchaser of said interest.”

The question being on the adoption of the amendment,

Mr. Hebb demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|------------------|-----------|--------------------|
| Messrs. | Greene, | Pugh, |
| Baker, | Hebb, | Purnell, |
| Belt, | Hopkins, | Ridgely, |
| Brown, | Hopper, | Robinette, |
| Clarke, | Keefer, | Schley, |
| Cunningham, | King, | Scott, |
| Daniel, | Lansdale, | Smith, of Carroll, |
| Davis, of Wash., | Lee, | Smith, of Wor., |
| Dellinger, | Marbury, | Sneary, |
| Duvall, | Markey, | Stirling, |
| Earle, | Murray, | Stockbridge, |
| Farrow, | Peter, | Todd—36. |
| Galloway, | | |

NEGATIVE.

| | | |
|-------------------|-----------|-------------|
| Messrs. | Harwood, | Negley, |
| Goldsborough, P't | Henkle, | Nyman, |
| Abbott, | Hollyday, | Parker, |
| Annan, | Mayhugh, | Parran, |
| Audoun, | Miller, | Russell—15. |
| Ecker, | | |

So the question upon its adoption was decided in the affirmative.

The report was then ordered to be engrossed for a third reading.

The Convention then proceeded to the consideration of the report of the Committee on the appointment, tenure of office, duties and compensation of all civil officers not embraced in the duties of other Standing Committees,

The question being on the adoption of the amendment submitted by Mr. Ridgely, to wit:

Section 4. Strike out in the third line the words, "general ticket and not by districts," and insert "in such manner and for such term as the Legislature may prescribe;"

Mr. Ridgely withdrew the amendment.

Mr. Ridgely submitted the following amendment:

Sec. 4, eighth line, strike out the words "but such powers and duties shall be similar, and the tenure of office uniform throughout the State;"

The question being on the adoption of the amendment,

Mr. Daniel demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-----------|-----------|--------------------|
| Messrs. | King, | Schley, |
| Audoun, | Lansdale, | Smith, of Carroll, |
| Greene, | Marbury, | Smith, of Wor., |
| Henkle, | Miller, | Stirling—13. |
| Hollyday, | Ridgely, | |

NEGATIVE.

| | | |
|-------------------|-----------|--------------|
| Messrs. | Earle, | Negley, |
| Goldsborough, P't | Ecker, | Nyman, |
| Abbott, | Farrow, | Parker, |
| Annan, | Galloway, | Peter, |
| Baker, | Hebb, | Pugh, |
| Brown, | Hopkins, | Purnell, |
| Clarke, | Hopper, | Robinette, |
| Cunningham, | Keefer, | Russell, |
| Daniel, | Lee, | Scott, |
| Davis, of Wash., | Markey, | Sneary, |
| Dellinger, | Mayhugh, | Stockbridge, |
| Duvall, | Murray, | Todd—35. |

No quorum voting,

On motion of Mr. Purnell,

The Convention adjourned.

SATURDAY, August 6th, 1864.

The Convention met at 10 o'clock, A. M.

Prayer by the Rev. Mr. Patterson.

All the Members present except the following :

Messrs. Barron, Berry, of Baltimore county, Berry, of Prince George's, Billingsley, Blackiston, Bond, Briscoe,

Carter, Chambers, Clarke, Crawford, Cushing, Dail, Davis, of Charles, Dennis, Dent, Gale, Harwood, Hoffman, Horsesey, Johnson, Jones, of Cecil, Jones, of Somerset, Keefer, Kennard, Larsh, Mace, Marbury, McComas, Mitchell, Morgan, Mulliken, Negley, Noble, Peter, Schlosser, Smith, of Dorchester, Swope, Sykes, Thomas, Thruston, Turner—42.

The proceedings of yesterday were read and approved.

On motion of Mr. Wooden,

It was ordered to be entered on the Journal, that Dr. John Swope is detained from his seat in this Convention by sickness in his family.

The Convention proceeded to the consideration of the report of the Committee on Appointment, Tenure of Office, &c., of Civil Offices;

The question being on the adoption of the amendment submitted by Mr. Ridgely, to wit:

Sec. 4, eighth line, strike out the words "but such powers and duties shall be similar, and the tenure of office uniform throughout the State."

Mr. Ridgely withdrew his amendment.

Mr. Purnell submitted the following amendment:

Amend section 4, in sixth line, by inserting after the word "thereafter," the following: "Provided, however, that immediately after the commissioners shall have convened after their election under this Constitution, they shall be divided by lot, into two classes, as nearly equal in number as may be—the commissioners of the first class go out of office at the expiration of two years, and commissioners shall be elected on the Tuesday after the first Monday of November eighteen hundred and sixty-seven, for the term of four years, to supply their places, so that, after the first election, one-half of the commissioners may be chosen every second year; provided, that in no case shall any commissioner be placed in a class which shall entitle him to serve for a longer term than that for which he was elected; in case the number of commissioners be hereafter increased in any of the counties of this State, such classification of the additional commissioners shall be made as to preserve as nearly as may be an equal number in each class."

Decided in the negative.

Mr. Todd submitted the following amendment:

Amend section 4, by striking out the word "five," in the fifth line, and insert the word "six ;"

Decided in the negative.

On motion of Mr. Scott,

The further consideration of section four was informally passed over.

Mr. Dellinger submitted the following amendment:

Sec. 5. Strike out in the first line the word "appointment," and in the third line the words "by the County Commissioners," and insert in the first line the word "election ;"

Decided in the negative.

Mr. Belt submitted the following amendment :

Insert after the word "appointment," in line second, the words "or election," and strike out all after the word "counties," in the third line ;

Mr. Davis, of Washington, submitted the following amendment to the amendment :

Amend by striking out the words "and Constables," in the second line, "and Constables," in the fourth line ;

Decided in the negative.

The question recurring upon the amendment submitted by Mr. Belt :

Mr. Miller demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------|-----------|--------------|
| Messrs. | Hatch, | Ridgely, |
| Abbott, | Henkle, | Sands, |
| Annan, | King, | Scott, |
| Audoun, | Lansdale, | Sneary, |
| Belt, | Markey, | Stirling, |
| Brooks, | Mayhugh, | Stockbridge, |
| Cunningham, | Pugh, | Wickard—21. |
| Ecker, | | |

NEGATIVE.

| | | |
|-------------------|-----------|---------|
| Messrs. | Galloway, | Parker, |
| Goldsborough, P't | Greene, | Parran, |

| | | |
|------------------|-----------|--------------------|
| Baker, | Hebb, | Purnell, |
| Brown, | Hodson, | Robinette, |
| Chambers, | Hollyday, | Russell, |
| Daniel, | Hopkins, | Schley, |
| Davis, of Wash., | Hopper, | Smith, of Carroll, |
| Dellinger, | Lee, | Smith, of Wor., |
| Duvall, | Miller, | Todd, |
| Earle, | Murray, | Valliant, |
| Edelen, | Nyman, | Wilmer—33. |
| Farrow, | | |

So the question upon its adoption was decided in the negative.

Mr. Pugh submitted the following amendment:

Section 5. Strike out the words “and Constables,” in the second line, and all after the word “counties,” in the third line ;

On motion of Mr. Hebb,

The subject was divided.

The question being on the first clause of the subject, to wit :

Strike out the words “and Constables,” in the second line ;

It was decided in the affirmative.

The question next being on the second clause, to wit :

Strike out all after the word “counties,” in the third line :

It was decided in the negative.

Mr. Hebb submitted the following amendment :

Sec. 5. Strike out the words “and Constables,” in the fourth line ;

Decided in the affirmative.

Mr. Belt submitted the following amendment :

Section 5. Strike out the words “in the several election districts,” in the fourth line ;

Decided in the negative.

Mr. Schley submitted the following amendment :

Section 5. Strike out all after the word "Commissioners," in the fifth line ;

Mr. Scott submitted the following amendment to the amendment :

Section 5. Strike out all after the word "uniform," in the sixth line ;

Decided in the negative.

The question recurring upon the amendment submitted by Mr. Schley,

It was decided in the affirmative.

Mr. Daniel submitted the following amendment :

Section 5. Insert after the word "Supervisor," in the fourth line, the words "as well as their powers and duties ;"

Decided in the affirmative.

Mr. Abbott submitted the following amendment :

"Strike out the 5th section ;"

Decided in the negative.

Mr. Purnell submitted the following amendment:

Amend sec. 6, by striking out all after the word "the," in the second line, to the word "and," in the third line, and insert "Tuesday next after the first Monday of November, in the year eighteen hundred and sixty-five ;"

Decided in the affirmative.

Mr. Belt submitted the following amendment :

Amend sec. 6, by striking out lines one, two and three, and inserting the words following :

"Section 6. The Judges of the Circuit Courts residing in each county, and of the Superior Court of Baltimore city, shall, on or before the Tuesday next after the 1st Monday of November, in the year 1865, and on or before the same day in every second year thereafter, appoint a Surveyor for the said counties and districts respectively ;"

Decided in the negative.

Mr. Henkle submitted the following amendment :

Section 6. Strike out the word "two," in the third line, and insert "four ;"

The question being on the adoption of the amendment,
 Mr. Davis, of Washington, demanded the yeas and nays.
 The demand being sustained,
 The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-----------|-----------|-----------------|
| Messrs. | Henkle, | Parker, |
| Abbott, | Hodson, | Parran, |
| Audoun, | Hollyday, | Ridgely, |
| Brocks, | Hopkins, | Sands, |
| Chambers, | King, | Scott, |
| Daniel, | Lansdale, | Smith, of Wor., |
| Earle, | Miller, | Stockbridge, |
| Edelen, | Murray, | Valliant—24. |
| Hatch, | | |

NEGATIVE.

| | | |
|------------------|-----------|--------------------|
| Messrs. | Galloway, | Purnell, |
| Annan, | Greene, | Robinette, |
| Baker, | Hebb, | Russell, |
| Brown, | Hopper, | Schley, |
| Cunningham, | Lee, | Smith, of Carroll, |
| Davis, of Wash., | Markey, | Stirling, |
| Dellinger, | Mayhugh, | Todd, |
| Duvall, | Nyman, | Wickard, |
| Ecker, | Pugh, | Wilmer—27. |
| Farrow, | | |

So the question upon its adoption was decided in the negative.

Mr. Purnell submitted the following amendment :

Amend sec. 7, by striking out all after the word “the,” in the first line, to the word “and,” in the third line, and insert “Tuesday next after the first Monday of November, in the year eighteen hundred and sixty-five;”

Decided in the affirmative.

Mr. Miller (by general consent) submitted the following amendment :

Add at end of sec. 6 the words, “for the residue of the term thus made vacant;”

Decided in the affirmative.

Mr. Scott submitted the following amendment :

Section 8. Strike out all after the word "duties," in the third line ;

Decided in the affirmative.

Mr. Daniel submitted the following amendment :

Section 8. After the word "their," in the third line, insert the words "tenure of office ;"

Decided in the affirmative.

Mr. Hebb submitted the following amendment :

"Strike out the 9th section;"

Decided in the affirmative.

Messrs. Chambers and Belt were excused from attending the sessions of the Convention for a few days.

Mr. Belt submitted the following resolutions :

WHEREAS, On the 6th day of April 1864, the same having been the day appointed by law for the election, in the city of Baltimore and the several counties, of Delegates to this Convention, Richard H. Edelen, Esq., a delegate from Charles county, was the State's Attorney for the said county, and Henry H. Goldsborough, Esq., a delegate from Talbot county, was on the same day the Comptroller of the Treasury of the State, and George Earle, Esq., a delegate from Cecil county, was on the same day the Clerk of the Court of Appeals of the State, and Edward W. Belt, Esq., a delegate from Prince George's county, was on the same day the State's Attorney for said county, and William H. W. Farrow, Esq., a delegate from Worcester county, was on the same day the State's Attorney for said county, and Frederick Schley, Esq., a delegate from Frederick county, was on the same day a Collector of the Internal Revenue Taxes of the United States, and Joseph H. Audoun, Esq., a delegate from Baltimore city, was on the same day a Justice of the Orphans' Court of said city, and John L. Thomas, Jr., Esq., a delegate from Baltimore city, was on the same day the State's Attorney for said city, and George A. Thruston, Esq., a delegate from Allegany county, was on the same day, the State's Attorney for said county, and George W. Sands, Esq., a delegate from Howard county, was on the same day the State's Attorney for said county, and the Rev. Robert W. Todd, a delegate from Caroline county, was on the same day a Minister or Preacher of the Gospel ;

And whereas, none of the said Delegates, either before or after said day, did resign said respective offices or employ-

ments, and they were thereby, under the Constitution and laws of this State, ineligible as delegates to this Convention; Therefore,

Resolved, That the seats of the aforesaid delegates be, and the same are hereby declared vacant, and the President be and he is hereby requested, as soon as may be, to take order for the election of delegates to fill said vacancies in the said city and counties respectively, according to law.

Which was read the first time.

Mr. Stockbridge, from the Committee on the Judiciary Department, submitted the following

REPORT:

ANNAPOLIS, August 6th, 1864.

The Committee appointed to consider and report upon the Judiciary System of the State, respectfully submit the following report, and recommend the adoption of the same as Article IV of the Constitution.

H. STOCKBRIDGE, Chairman
Com. on Jud'y Dep't.

JUDICIARY DEPARTMENT.

PART I.

GENERAL PROVISIONS.

SECTION 1. The Judicial Power of this State shall be vested in a Court of Appeals, Circuit Courts, Orphans' Courts, such Courts for the city of Baltimore as may be hereinafter prescribed or provided for, and Justices of the Peace; all said Courts shall be Courts of Record, and have a seal to be used in the authentication of all process issuing from them. The process and official character of Justices of the Peace shall be authenticated as hath heretofore been practised in this State, or may hereafter be prescribed by law.

Sec. 2. The Judges of the several Courts, except the Associated Judges of the Orphans' Courts, shall be citizens of the United States, and of this State, not less than five years next preceding their appointment, and not less than one year next preceding their appointment resident in the Judicial District or Circuit, as the case may be, for which they may be appointed. They shall be not less than thirty years of age at the time of their appointment, and selected from those who have been admitted to practice law in this State, and

who are most distinguished for integrity, wisdom and sound legal knowledge.

Sec. 3. The Judges shall be appointed, commissioned and designated as Chief or Associate Justices, by the Governor, with the advice and consent of the Senate. Each Judge shall hold his office during good behavior, or until he shall attain the age of sixty years, when, in the discretion of the Governor, by and with the advice and consent of the Senate, he may be re-appointed for a term not exceeding ten years, after which he shall not be re-appointed.

Sec. 4. Any Judge shall be removed from office by the Governor, on conviction in a Court of Law, of incompetency, of wilful neglect of duty, misbehavior in office, or any other crime, on impeachment according to this Constitution or the laws of the State, or on the address of the General Assembly, two-thirds of each house concurring in such address, and the accused having been notified of the charges against him, and had opportunity of making his defence.

Sec. 5. All Judges shall, by virtue of their offices, be conservators of the peace throughout the State, and no fees or perquisites, commission or reward of any kind shall be allowed to any Judge in this State besides his annual salary or fixed per diem for the discharge of any judicial duty.

Sec. 6. No Judge shall sit in any case wherein he may be interested, or where either of the parties may be connected with him by affinity or consanguinity within such degrees as now are or may hereafter be prescribed by law, or where he shall have been of counsel in the case.

Sec. 7. The Judge or Judges of any Court may appoint such subordinate officers for their respective Courts as may be found necessary, but none other; and no Crier shall be appointed in any Court, but Clerks or Assistant Clerks, Sheriffs or their Deputies, or Bailiffs, as the Court directs, shall, without additional compensation, perform the duties heretofore performed by Criers.

Sec. 8. The Clerks of the several Courts created or continued by this Constitution, shall have charge and custody of the records and other papers, shall perform all the duties and be allowed the fees which appertain to their several offices, as the same now are or may hereafter be regulated by law.

Sec. 9. The Legislature shall provide for the trial of causes in case of the disqualification of all of the Judges of the Circuit, but the parties to any cause may, by consent, appoint a

proper person to try said cause, and may try any cause before the Court without the intervention of a jury.

Sec. 10. The Judge or Judges of any Court of this State, except the Court of Appeals, may order and direct the record of proceedings in any suit or action, issue or petition, presentment or indictment pending in such Court, to be transmitted to some other Court in the same or an adjoining Circuit having jurisdiction in such causes, whenever any party to such cause, or the counsel of any party, shall make it satisfactorily appear to the Court that such party has a substantial ground of action or defence, and cannot have a fair and impartial trial in the Court in which such suit or action, issue or petition, presentment or indictment is pending; and the General Assembly shall make such modifications of existing law as may be necessary to regulate and give force to this provision.

Sec. 11. Every person of good moral character, being a voter, shall be admitted to practice law in all the Courts of this State, in his own case.

PART II.

COURT OF APPEALS.

Sec. 12. The Court of Appeals shall consist of a Chief Justice and four Associate Justices, and for their selection the State shall be divided into five Judicial Districts as follows, viz: Worcester, Somerset, Dorchester, Talbot, Caroline, Queen Anne, Kent and Cecil counties, shall compose the first district; Harford and Baltimore counties, and the first seven Wards of Baltimore city, shall compose the Second District; Baltimore city, except the first seven Wards, shall compose the Third District; Allegany, Washington, Frederick, Howard and Carroll counties, shall compose the Fourth District; St. Mary's, Charles, Anne Arundel, Calvert, Prince George's and Montgomery counties, shall compose the Fifth District; and one of the Judges of the Court of Appeals shall be appointed from each of said Districts.

Sec. 13. The Court of Appeals shall hold its sessions in the city of Annapolis, on the first Monday in April, and the first Monday in October, in each and every year, or at such other times as the General Assembly may by law direct, and it shall be competent for the Judges of said Court, sufficient cause appearing to them, temporarily to transfer their sittings elsewhere.

Sec. 14. The jurisdiction of the Court of Appeals shall be co-extensive with the limits of the State, and such as now is or

may hereafter be prescribed for it by law, and its sessions shall continue for not less than ten months in the year, if the business before it shall so require.

Sec. 15. Any three of the Judges of the Court of Appeals may constitute a quorum, but no cause shall be decided without the concurrence of at least three Judges in the decision, and in every case decided, an opinion in writing shall be filed within six months after the argument or submission of the cause, and the judgment of the Court shall be final and conclusive.

Sec. 16. The salary of the Justices of the Court of Appeals shall be four thousand dollars each per annum, payable quarterly.

Sec. 17. Provision shall be made by law for publishing reports of all causes argued and determined in the Court of Appeals.

Sec. 18. The Court of Appeals shall appoint its own Clerk, who shall hold his office for six years, and may be re-appointed at the end thereof; he shall be subject to removal by the said Court for incompetency, neglect of duty, misdemeanor in office, or such other cause or causes as may be prescribed by law.

PART III.

CIRCUIT COURTS.

Sec. 19. The State shall be divided into eight Judicial Circuits, in manner following: The counties of St. Mary's, Charles and Prince George's, shall constitute the First Circuit; the counties of Calvert, Anne Arundel and Montgomery, the second; the counties of Allegany, Washington, and Frederick, the third; the counties of Baltimore, Howard and Carroll, the fourth; the counties of Harford, Cecil and Kent, the fifth; the counties of Queen Anne's, Talbot and Caroline, the sixth; the counties of Dorchester, Somerset and Worcester, the seventh; and the city of Baltimore, the eighth.

Sec. 20. In each of the above named Circuits, except the eighth, there shall be three Courts, one to be held in each county; they shall be called Circuit Courts for the county in which they may be held, and shall have and exercise all the power, authority, and jurisdiction, original and appellate, which the present Circuit Courts of this State now have and exercise, or which may hereafter be prescribed by law.

Sec. 21. For each Circuit (the eighth excepted) there shall be three Judges, who shall be styled Circuit Judges, one of said Judges, during his term of office, shall reside in each county of the Circuit; the said Judges shall hold a term of their Courts in each of the counties composing their respective Circuits at such times as now are or may hereafter be fixed by law, such terms to be never less than two in each year in each county; special terms may be held by said Judges, in their discretion, whenever the business of their several counties renders such terms necessary; a single Judge may hold sessions of the Circuit Court for the disposal of all equity business, all business merely formal and uncontested, appeals from the decisions of Justices of the Peace, (but no other appeals,) and such causes civil or criminal as the parties litigant shall consent to try before a single Judge.

Sec. 22. The salary of each Judge of the Circuit Court shall be three thousand dollars per annum, payable quarterly, and shall not be increased or diminished during his continuance in office.

Sec. 23. There shall be a Clerk of the Circuit Court for each county, who shall be elected by a plurality vote of the qualified voters of said county; he shall hold his office for the term of six years from the time of his election, and until a new election is held and his successor duly qualified; he shall be re-eligible at the end of his term, and shall at any time be subject to removal for wilful neglect of duty, or other misdemeanor in office, on conviction in a Court of Law.

PART IV.

ORPHANS' COURTS.

Sec. 24. There shall be an Orphans' Court in each of the counties of the State, and the city of Baltimore, and the Circuit Judge resident in any county shall be ex-officio Chief Judge of the Orphans' Court of such county, and one of the Judges of the Circuit Court of Baltimore city shall sit as Chief Judge of the Orphans' Court of said city; the qualified voters of the city of Baltimore and of the several counties of the State shall, on Tuesday next after the first Monday in the month of November eighteen hundred and sixty-seven, and on the same day of the same month in every fourth year thereafter, elect two men to be Associate Judges of the Orphans' Court of said city and counties respectively; no person shall be elected Associate Judge of the Orphans' Court unless he be a citizen of the State of Maryland, and resident in the city or county for which he may be elected at the time of his election; each of said Associate Judges shall be paid at a per diem

rate for the time they are in session, to be fixed by the Legislature, and paid by the said counties and city respectively.

Sec. 25. The said Orphans' Courts shall have all the powers now vested in the Orphans' Courts of this State, subject to such changes therein as the Legislature may prescribe; and in addition to the jurisdiction now exercised by the said Courts, they shall have and exercise in relation to the real estate of deceased persons concurrent jurisdiction with the Circuit Courts sitting as Courts of Equity, and it shall be the duty of the Legislature to make such modifications of existing laws as may be requisite to give full power and effect to this provision.

Sec. 26. There shall be a Register of Wills in each county of the State, and in the city of Baltimore, to be elected by the legal and qualified voters of said counties and city respectively, who shall hold his office for six years from the time of his election, and until his successor is elected and qualified; he shall be re-eligible, and subject at all times to removal for wilful neglect of duty, or misdemeanor in office, in the same manner that Clerks of Courts are removable. In the event of any vacancy in the office of Register of Wills, said vacancy shall be filled by the Judges of the Orphans' Court in which such vacancy occurs, until the next general election of Delegates to the General Assembly, when a Register shall be elected to serve for six years thereafter.

PART V.

COURTS OF BALTIMORE CITY.

Sec. 27. There shall be in the eighth Judicial Circuit two Courts, to be styled the Superior Court of Baltimore city and the Circuit Court of Baltimore city; each Court to consist of three Judges, who shall be appointed in the same manner, hold their offices for the same time, and have the same general powers and duties as are herein prescribed for other Judges of Courts of Record in this State.

Sec. 28. The Superior Court of Baltimore city shall have all the power and jurisdiction heretofore conferred upon and exercised by the Superior Court and the Court of Common Pleas of Baltimore city, (except the equity powers of the Superior Court,) subject to such modifications as may be made by law, and the Judges shall so apportion and distribute the business of their Court as shall best facilitate the dispatch of business and promote the ends of justice.

Sec. 29. Either of said Judges may sit alone for the trial of causes appealed from the decisions of Justices of the Peace,

for the disposition of all formal and uncontested business, and such other business as the parties litigant shall consent to try before a single Judge; but it shall be the right of any party to an original cause pending in said Court under such rules and regulations as the Court may prescribe, to require the presence of at least two of the Judges of said Court at the trial thereof.

Sec. 30. The Circuit Court of Baltimore city shall have all the jurisdiction and authority heretofore exercised by the Criminal Court and the Circuit Court of Baltimore city, or which may hereafter be prescribed by law; and the Judges shall apportion and distribute the business of their Court in such a manner as shall best facilitate the dispatch of business and promote the ends of justice.

Sec. 31. One of the Judges of said Court shall sit as Chief Judge of the Orphans' Court of the city of Baltimore, and either of the Judges may sit alone in either department of the business of said Court, but it shall be the right of any party to an issue pending in said Court, under such rules as the Court shall fix, to require the presence of at least two of the Judges at the trial thereof; and no order for an injunction or the appointment of a receiver shall be passed without the concurrence of at least two of the Judges therein.

Sec. 32. Each of said Judges shall receive an annual salary of three thousand five hundred dollars, payable quarterly.

Sec. 33. There shall be a Clerk of the Superior Court and a Clerk of the Circuit Court of Baltimore city, who shall be elected by the qualified voters of the city of Baltimore, hold their respective offices for the term of six years, and until a new election is held and his successor duly qualified, and be re-eligible thereto, but removable by the Judges of the Court of which they are respectively Clerks, for incompetency, wilful neglect of duty, misdemeanor in office, and such other causes as may be prescribed by law.

Sec. 34. The Judges of the Superior Court as herein constituted, shall designate as Clerk of said Court, in their discretion, either the Clerk of the present Superior Court, or the Clerk of the Court of Common Pleas, and the person so designated as Clerk shall continue to act as such until the end of the time for which he was elected; the other of said Clerks shall, until the end of the time for which he was elected, continue to act as Clerk in that department of the business of the Superior Court which, in the judgment of the Judges of said Court, nearest corresponds to the business of the Court of which he was elected Clerk, and shall receive the fees and

emoluments pertaining thereto as he would have done if said Court had continued an independent Court; and the Judges of said Superior Court shall make such rules and regulations as may be found necessary to give full force and effect to this provision.

Sec. 35. The Clerk of the Superior Court shall have the custody of all dockets, records and papers now in the custody of the Clerk of the Superior Court or Court of Common Pleas, and of all such other dockets, records and papers as he may hereafter be required by law or by the Judges of the said Court to take custody of, and shall receive and record all deeds and other papers required by law to be recorded in said city, and not otherwise provided for; he shall, unless the General Assembly shall provide a different mode, issue all marriage and other licenses required by law, and discharge all the duties and be subject to all the obligations heretofore discharged by or imposed upon the Clerk of the Superior Court and the Clerk of the Court of Common Pleas, subject to such modifications thereof as may be made by law or by the Judges of his said Court.

Sec. 36. The Clerk of the Circuit Court of Baltimore city shall have the custody of all the dockets, records and papers now in the office and custody of the Clerk of the Circuit Court of Baltimore city, and of the Clerk of the Criminal Court of Baltimore city, and of all dockets, records, and papers hereafter pertaining to the business of the said Circuit Court as hereby constituted, or which he may be required by law, or by the Judges of said Court to take custody of. He shall discharge all the duties pertaining to the office of Clerk of said Court, or which have heretofore been imposed by law upon the Clerks of the Circuit, or Criminal Court of Baltimore city, or which may hereafter be imposed by law or required by the Judges of his said Court. And the present Clerk of the Criminal Court of Baltimore city shall be Clerk of the Circuit Court as hereby constituted until the end of the time for which he was elected Clerk of said Criminal Court.

PART VI.

JUSTICES OF THE PEACE.

Sec. 37. The Judges of the Circuit Courts shall appoint in each Election District of the several counties composing their respective Circuits, and the Judges of the Superior Court and of the Circuit Court of Baltimore city, by concurrent action, shall appoint in the city of Baltimore such number of Justices of the Peace as the wants and interests of the people

may require. They shall certify their appointment so made to the Governor, by whom the appointees shall be commissioned as Justices of the Peace of the State of Maryland, in and for _____ county and city. The Justices so appointed and commissioned shall be conservators of the peace, shall hold their office for two years, and shall have such jurisdiction, duties and compensation, subject to such right of appeal as hath been heretofore exercised or shall be hereafter prescribed by law.

PART VII.

SHERIFFS, &c.

Sec. 38. There shall be elected in each county and the city of Baltimore, in every second year, one person resident in said county or city, above the age of twenty-five years, and at least five years preceding his election a citizen of this State, to the office of Sheriff. He shall hold his office for two years and until his successor is duly qualified, and shall be ineligible for two years thereafter, shall give such bond, exercise such powers, and perform such duties as now are or may hereafter be fixed by law. In case of a vacancy by death, refusal to serve or neglect to qualify or give bond, by disqualification or removal from the county or city, the Circuit Court shall appoint a person to be Sheriff for the remainder of the official term.

Sec. 39. Coroners, Elisors and Notaries Public may be appointed for each county and the city of Baltimore, in the manner, for the purposes, and with the powers now fixed or which may hereafter be prescribed by law.

Which was read the first time.

Mr. Stockbridge moved to make the Report the Order of the Day for Friday next, at 12 o'clock ;

Mr. Sands moved to make it the Order of the Day for Tuesday next ;

Mr. Valliant moved to make it the Order of the Day for Wednesday next ;

The question being on the adoption of the motion submitted by Mr. Stockbridge ;

The question was taken, on a division no quorum voting,

On motion of Mr. Sands,

The Convention adjourned until Monday 10 o'clock.

MONDAY, August 8th, 1864.

The Convention met at 10 o'clock, A. M.

Prayer by the Rev. Mr. McNemar.

All the members present except the following :

Messrs. Baker, Belt, Berry, of Baltimore county, Berry, Prince George's, Billingsley, Blackiston, Briscoe, Carter, Chambers, Crawford, Dail, Davis, of Charles, Dennis, Dent, Gale, Harwood, Henkle, Hodson, Hoffman, Horsey, Johnson, Jones, of Cecil, Jones, of Somerset, Keeter, Kennard, Lansdale, Larsh, Mace, Marbury, Miller, Mullikin, Negley, Noble, Peter, Pugh, Ridgely, Schlosser, Smith, of Carroll, Smith, of Dorchester, Thruston, Turner, Wilmer—42.

The proceedings of Saturday were read and approved.

On motion of Mr. Brown,

It was ordered to be entered on the Journal, that Mr. Horsey is detained from his seat in the Convention by sickness.

On motion of Mr. Edelen,

It was ordered to be entered on the Journal, that Mr. Davis, of Charles, is detained from his seat in this body by severe indisposition.

The President laid before the Convention the following communication :

HON. H. H. GOLDSBOROUGH, PRES., &c.

Dear Sir:—A necessary absence from home extending probably through the month, will prevent me from discharging my duties as Chaplain to the Constitutional Convention. I therefore respectfully ask to be excused from any further responsibility in the matter.

Thanking the Convention for the honor they have done me in appointing me as one of their Chaplains.

I remain,

Yours with great respect,

J. R. DAVENPORT,

Rector of St. Anne's Parish.

Annapolis, Aug. 6, '64.

Which was read.

The unfinished business of Saturday's session, being the motion of Mr. Stockbridge, to make the Report of the Committee on the Judiciary the Order of the Day for Friday next,

Was taken up.

Mr. Thomas moved to amend by inserting "Friday week ;"

Decided in the negative.

Mr. Duvall moved to amend by inserting "Monday next ;"

Decided in the negative.

The question recurring upon the amendment of Mr. Stockbridge ;

It was decided in the negative.

The question next being on the amendment of Mr. Valiant to make the Report the Order of the Day for Wednesday next, at 12 o'clock ;

It was decided in the affirmative.

The report of the Committee on the Tenure of Office, Duties and Compensation of Civil Offices, &c.

Was taken up.

The Convention proceeded to the consideration of the second section, which had been informally passed over.

Mr. Thomas submitted the following amendment :

Sec. 2, line twelve, strike out the words "eighteen hundred" and insert the words "two thousand ;"

The question being on the adoption of the amendment,

Mr. Davis, of Washington, demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|-----------|-----------------|
| Messrs. | Greene, | Scott, |
| Goldsborough, P't | Hebb, | Smith, of Wor., |
| Barron, | McComas, | Sneary, |
| Bond, | Mitchell, | Stirling, |
| Brooks, | Nyman, | Stockbridge, |
| Clarke, | Parker, | Swope, |

Cushing,
Dellinger,
Earle,
Edelen,
Galloway,

Purnell,
Robinette,
Russell,
Sands,

Sykes,
Thomas,
Todd,
Valliant—30.

NEGATIVE.

Messrs.
Abbott,
Annan,
Audoun,
Brown,
Cunningham,
Daniel,
Davis, of Wash.,
Duvall,

Ecker,
Farrow,
Hatch,
Hollyday,
Hopkins,
Hopper,
King,
Lee,

Markey,
Mayhugh,
Morgan,
Murray,
Parran,
Schley,
Wickard,
Wooden—24.

So the question upon its adoption was decided in the affirmative.

The Convention then proceeded to the consideration of the 4th section, which had been informally passed over.

Mr. Scott submitted the following amendments :

Sec. 4. Strike out all after “the” in the first line to the word “styled” in the second line; also the word “and” in the second line, and the words “and not by districts” in the third line;

Decided in the affirmative.

The report was then ordered to be engrossed for a third reading.

On motion of Mr. Stockbridge,

The Convention took up for consideration the report of the Committee on the Rights, Duties, Divisions and Sub-divisions of Counties.

Mr. Duvall submitted the following amendment :

Sec. 1, line four, after the word “limits” insert the words “of the counties;”

The question being on the adoption of the amendment,

Mr. Duvall demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|------------------|-------------|
| Messrs. | Davis, of Wash., | Mitchell, |
| Goldsborough, P't | Dellinger, | Morgan, |
| Barron, | Duvall, | Nyman, |
| Bond, | Edelen, | Parker, |
| Brooks, | Hollyday, | Parran, |
| Brown, | King, | Thomas, |
| Clarke, | Lee, | Wickard—20. |

NEGATIVE.

| | | |
|-------------|------------|-----------------|
| Messrs. | Hatch, | Schley, |
| Abbott, | Hebb, | Scott, |
| Annan, | Hopkins, | Smith, of Wor., |
| Audoun, | Hopper, | Sneary, |
| Cunningham, | Markey, | Stirling, |
| Cushing, | Mayhugh, | Stockbridge, |
| Daniel, | McComas, | Swope, |
| Earle, | Murray, | Sykes, |
| Ecker, | Purnell, | Todd, |
| Farrow, | Robinette, | Valliant, |
| Galloway, | Russell, | Wooden—33. |
| Greene, | Sands, | |

So the question upon its adoption was decided in the negative.

Mr. Hebb submitted the following amendment :

Sec. 1, line three, after the word "lines" insert, "and all such laws shall before taking affect, be submitted to the voters of the several counties to be affected thereby, and be adopted by a majority of all the legal voters voting on the question in each of said counties."

The question being on the adoption of the amendment,

Mr. Duvall demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|-----------|-----------------|
| Messrs. | Edelen, | Murray, |
| Goldsborough, P't | Galloway, | Nyman, |
| Bond, | Greene, | Parran, |
| Brown, | Hebb, | Purnell, |
| Clarke, | Hollyday, | Schley, |
| Davis, of Wash., | King, | Scott, |
| Dellinger, | Lee, | Smith, of Wor., |

Duvall,
Earle,
Ecker,

Mitchell,
Morgan,

Sneary,
Wickard—27.

NEGATIVE.

Messrs.

Abbott,
Annan,
Audoun,
Barron,
Brooks,
Cunningham,
Cushing,
Daniel,

Hatch,
Hopkins,
Hopper,
Markey,
Mayhugh,
McComas,
Parker,
Robinette,
Russell,

Sands,
Stirling,
Stockbridge,
Swope,
Sykes,
Thomas,
Todd,
Valliant,
Wooden—26.

So the question upon its adoption was decided in the affirmative.

On motion of Mr. Ecker,

The vote last taken was reconsidered,

The question again being on the adoption of the amendment submitted by Mr. Hebb,

It was decided in the negative, by yeas and nays as follows :

AFFIRMATIVE.

Messrs.

Goldsborough, Pt.
Bond,
Brown,
Clarke,
Davis, of Wash.,
Dellinger,
Duvall,
Earle,
Edelen,

Galloway,
Greene,
Hebb,
Hollyday,
King,
Lee,
Mitchell,
Morgan,
Murray,

Nyman,
Parran,
Purnell,
Robinette,
Schley,
Scott,
Smith, of Wor.,
Sneary,
Wickard—27.

NEGATIVE.

Messrs.

Abbott,
Annan,
Audoun,
Barron,
Brooks,
Cunningham,
Cushing,
Daniel,
Ecker,

Farrow,
Hatch,
Hopkins,
Hopper,
Markey,
Mayhugh,
McComas,
Parker,
Russell,

Sands,
Stirling,
Stockbridge,
Swope,
Sykes,
Thomas,
Todd,
Valliant,
Wooden—27.

Mr. King submitted the following amendment :

Sec. 1, line one, strike out the word "shall," and insert the word "may ;"

Decided in the affirmative.

Mr. Stockbridge submitted the following amendment :

Sec. 1. Insert in line three, after the word "organized," the words "nor the lines between any counties changed ;"

Decided in the negative.

Mr. Scott submitted the following amendment :

Sec. 2. Strike out from the word "Assembly," in the first line, to the word "the," in the second line, and insert the words "shall by general law authorize the County Commissioners to divide ;"

Decided in the negative.

Mr. Ecker submitted the following amendment :

Sec. 2, line one, strike out the word "may," and insert the word "shall ;"

Decided in the affirmative.

Mr. Scott submitted the following amendment :

Section 2. After the word "shall," in the first line, insert the words "at its first session after the adoption of this Constitution ;"

Decided in the negative.

The Report was then ordered to be engrossed for a third reading.

On motion of Mr. Dellinger,

The Convention took a recess until this evening at 8 o'clock.

EVENING SESSION.

The Convention met at 8 o'clock, P. M.

All the members present except the following:

Messrs. Baker, Barron, Belt, Berry, of Baltimore county, Berry, of Prince George's, Billingsley, Blackiston, Bond, Briscoe, Carter, Chambers, Clarke, Crawford, Dail, Davis, of Charles, Dennis, Dent, Duvall, Gale, Harwood, Hatch, Henkle, Hodson, Hoffman, Hopkins, Horsey, Johnson, Jones, of Cecil, Jones, of Somerset, Keefer, Kennard, Lansdale, Larsh, Mace, Marbury, Miller, Morgan, Mullikin, Negley, Noble, Peter, Ridgely, Schlosser, Smith, of Carroll, Smith, of Dorchester, Stockbridge, Sykes, Thomas, Thruston, Turner, Valliant, Wilmer, Wooden—53.

There being no quorum present,

On motion of Mr. Cunningham,

The Convention adjourned.

TUESDAY, August 9th, 1864.

The Convention met at 10 o'clock, A. M.

Prayer by the Rev. Mr. Owen.

All the members present except the following :

Messrs. Barron, Belt, Berry, of Baltimore county, Berry, of Prince George's, Billingsley, Blackiston, Briscoe, Carter, Chambers, Crawford, Dail, Dent, Duvall, Gale, Harwood, Henkle, Hodson, Horsey, Johnson, Jones, of Cecil, Jones, of Somerset, Lansdale, Mace, Marbury, Morgan, Negley, Noble, Peter, Schlosser, Smith, of Carroll, Thomas, Thruston, Turner, Wilmer—31.

The proceedings of yesterday were read and approved.

Mr. King gave notice that on to-morrow he would move to

rescind the order passed July 21, by which the Convention determined to hold evening sessions.

The resolution submitted by Mr. Belt, on Saturday, in relation to the disqualification of certain members of the Convention,

Was taken up.

On motion of Mr. Miller,

Said resolution was postponed until the consideration of the report of the Committee on Elections.

Mr. Sands, from the Committee on the Elective Franchise, submitted the following

REPORT :

The Committee on the Elective Franchise and Qualification of Voters, beg leave respectfully to report the following sections, to be inserted in Article I of the Constitution, entitled "Elective Franchise :"

ARTICLE I.

ELECTIVE FRANCHISE.

SECTION 1. Every white male person of twenty-one years of age, or upwards, who shall have been one year next preceding the election a resident of the State, and for six months a resident of the city of Baltimore, or of any county in which he may offer to vote, and being at the time of the election a loyal citizen of the United States, shall be entitled to vote in the ward or election district in which he resides, in all elections hereafter to be held, and every free white male person of twenty one years of age, and upwards, who shall have been one year next preceding the election a resident of the State, and for six months a resident of the city of Baltimore, or of any county in the State, and being at the time of the election in the naval or military service of the United States, shall, when the United States are actually engaged in war, be entitled to vote wherever they may be, for any and all officers to be elected under the Constitution of this State or of the United States, and the Legislature is hereby required to provide the means necessary to carry this provision into full and complete operation and effect ; and at all such elections the vote shall be by ballot. And in case any county or city shall be so divided as to form portions of different electoral districts for the election of Congressmen, Senator, Delegate, or other officer or officers, then to entitle a person to vote for such officer, he must have been a resident of that part of the

county or city which shall form a part of the electoral district in which he offers to vote, for six months next preceding the election ; but a person who shall not have acquired a residence in such county or city, entitling him to vote at any such election, shall be entitled to vote in the election district from which he removed, until he shall have acquired a residence in the part of the county or city to which he has removed.

Sec. 2. No person who has at any time been in armed rebellion against the Government of the United States or the lawful authorities thereof, or who has been in any way or manner in the service of the so called "Confederate States of America," shall ever thereafter be entitled to vote at any election to be held in this State, or to hold any office of honor, profit or trust under the laws thereof, unless such person has been pardoned by the President of the United States, and has fully complied with the requisitions of said pardon.

Sec. 3. If any person shall give or offer to give directly or indirectly, any bribe, present, or reward, or any promise, or any security for the payment, or delivery of money or any other thing to induce any voter to refrain from casting his vote, or forcibly to prevent him in any way from voting, or to procure a vote for any candidate or person proposed or voted for as elector of President and Vice President of the United States, or representative in Congress, or for any office of profit or trust created by the Constitution or laws of this State, or by the ordinances or authority of the Mayor and City Council of Baltimore, the person giving or offering to give, and the person receiving the same, and any person who gives or causes to be given an illegal vote knowing it to be such at any election to be hereafter held in this State, shall on conviction in a Court of Law, in addition to the penalties now or hereafter to be imposed by law, be forever disqualified to hold any office of profit or trust or to vote at any election thereafter.

Sec. 4. It shall be the duty of the General Assembly to pass laws to punish with fine and imprisonment any person who shall remove into any election district or precinct of any ward of the city of Baltimore, not for the purpose of acquiring a bona fide residence therein, but for the purpose of voting at an approaching election, or who shall vote in any election district or ward in which he does not reside, (except in the case provided for in the first article of the Constitution) or shall at the same election vote in more than one election district or precinct, or shall vote or offer to vote in any name not his own, or in place of any other person of the same name, or shall vote in any county in which he does not reside.

Sec. 5. Every person elected or appointed to any office of trust or profit under the Constitution or laws made pursuant thereto, before he shall enter upon the duties of such office shall take and subscribe the following oath or affirmation :
 I do swear (or affirm, as the case may be,) that I will support the Constitution of the United States, and that I will be faithful and bear true allegiance to the United States and to the State of Maryland, and support the Constitution and laws thereof, and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of according to the Constitution and laws of this State, and that since the adoption of the present Constitution, I have not in any manner violated the provisions thereof in relation to bribery of voters or preventing legal or procuring illegal votes to be given ; (and if a Governor, Senator, Member of the House of Delegates or Judge.) that I will not directly or indirectly receive the profits or any part of the profits of any other office during the time of my acting as I do further swear that I will support the Constitution of the United States, and will be faithful and bear true allegiance to the United States and the Government thereof, and to the State of Maryland, any law or ordinance of any State to the contrary notwithstanding, and that I have never, either directly or indirectly, by word, act or deed, given any aid, comfort or encouragement to those in rebellion against the Government of the United States or the lawful authorities thereof ; and all this I swear voluntarily, without any, the least, mental equivocation, reservation or qualification whatsoever, so help me God. And if any person elected or appointed to office as aforesaid, shall refuse or neglect to take the said oath or affirmation, he shall be considered as having refused to accept the said office, and a new election or appointment shall be made as in case of refusal or resignation, and any person swearing or affirming falsely in the premises, shall, on conviction thereof in a court of law incur the penalties for wilful and corrupt perjury, and be thereafter incapable of voting at any election, and also incapable of holding any office of profit or trust in this State.

Sec. 6. That no person above the age of twenty-one years, convicted of larceny or other infamous crime, unless he shall be pardoned by the Executive, shall ever thereafter be entitled to vote at any election in this State, and no person under guardianship as a lunatic, or a person non compos mentis, shall be entitled to vote.

GEORGE W. SANDS,
 DAVID SCOTT,
 THOMAS RUSSELL,
 JONAS ECKER.

Which was read the first time.

Mr. Brown gave notice that he would submit a minority report.

Mr. Scott gave notice that at the proper time he would submit the following amendment to the first section :

“All elections shall be by ballot, and every white male citizen of the United States of the age of twenty one years or upwards, who shall have resided in the State one year next preceding the election, and six months in the city of Baltimore or in any county, shall be entitled to be registered as a legal voter ; and such registration together with the muster rolls of all such soldiers as may be entitled to registration in the State, shall be held and taken as the only evidence of qualification to vote at any election hereafter, and the General Assembly shall by law provide for the registration of voters, and for holding elections for receiving the votes of soldiers in the army of the United States ; provided, that no person who has been in armed rebellion against the United States, or who has given aid and comfort to those thus in rebellion against the lawful authority thereof by enlisting men for the Rebel Army, or by sending arms, munitions of war, money, vessels, clothing, provisions or goods of any kind ; or letters or papers, or any written or printed matter, into the rebel lines for the use or benefit of those thus in armed rebellion against the United States, shall ever be registered among the legal voters of the State, but shall be forever disqualified from voting and from holding any office of honor, trust or profit in the State.”

Mr. Earle, from the Committee on Engrossment and Revision submitted the following

REPORT:

The Committee on Engrossment and Revision report, that that they have examined the engrossed copy of the Declaration of Rights.

The word “at” should be inserted after the word “and” in the first line of the 30th Article.

And the word “persons,” in the thirteenth line of the 36th Article should be “person.”

The Committee recommend that the 46th Article be united with the 40th Article.

The 40th Article would then read, “that the liberty of the press ought to be inviolably preserved, and every citizen

ought to be allowed to speak, write and publish his sentiments, being responsible for the abuse of that liberty.

GEORGE EARLE, Chairman.

Which was read.

The Report of the Committee on Elections,

Was then taken up.

Mr. Daniel moved to postpone the further consideration of the report until Friday next.

Decided in the negative.

The question recurring upon concurring in the report of the Committee.

Mr. Pugh called the previous question ;

The question being,

“Shall the main question be now put?”

It was decided in the affirmative.

The question again recurring upon concurring in the report of the Committee on Elections,

Mr. Davis, of Charles, demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|------------------|-----------|-----------------|
| Messrs. | Harwood, | Parran, |
| Abbott, | Hatch, | Pugh, |
| Annan, | Hebb, | Purnell, |
| Audoun, | Hoffman, | Ridgely, |
| Baker, | Hollyday, | Robinette, |
| Bond, | Hopkins, | Russell, |
| Brooks, | Hopper, | Sands, |
| Brown, | Keefer, | Schley, |
| Cunningham, | Kennard, | Scott, |
| Cushing, | King, | Smith, of Dor. |
| Davis, of Wash., | Larsh, | Smith, of Wor., |
| Dellinger, | Markey, | Stirling, |
| Dennis, | Mayhugh, | Swope, |
| Earle, | McComas, | Sykes, |
| Ecker, | Mitchell, | Todd, |
| Edelen, | Mullikin, | Valliant, |

Farrow,
Galloway,
Greene,

Murray,
Nyman,

Wickard,
Wooden—55.

NEGATIVE.

Messrs.

Davis, of Charles,

Lee,

Miller,

Parker—4.

So the question upon concurring was decided in the affirmative.

Mr. Dellinger moved to indefinitely postpone the preamble and resolutions submitted by Mr. Belt.

Mr. Edelen moved to postpone until Wednesday next.

The question being on the adoption of the motion of Mr. Dellinger,

It was decided in the affirmative.

On motion of Mr. Stockbridge,

The Convention proceeded to the consideration of the Report of the Committee on the Education ;

Mr. Todd submitted the following amendment :

Sec. 1, line five, strike out the words “three thousand;”

The question being on the adoption of the amendment,

Mr. Davis, of Washington, demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

Messrs.

Goldsborough, P't

Annan,

Bond,

Brown,

Daniel,

Davis, of Charles,

Davis, of Wash.,

Ecker,

Edelen,

Galloway,

Hoffman,

Hollyday,

Hopkins,

Hopper,

Keefer,

King,

Larsh,

Lee,

Markey,

Mayhugh,

McComas,

Mitchell,

Miller,

Mullikin,

Murray,

Nyman,

Parran,

Purnell,

Robinette,

Sands,

Smith, of Wor.,

Swope,

Sykes,

Todd,

Wickard—35.

NEGATIVE.

| | | |
|-------------|----------|-----------------|
| Messrs. | Earle, | Ridgely, |
| Abbott, | Farrow, | Russell, |
| Andoun, | Greene, | Schley, |
| Baker, | Harwood, | Scott, |
| Brooks, | Hatch, | Smith, of Dor., |
| Cunningham, | Hebb, | Stirling, |
| Cushing, | Kennard, | Stockbridge, |
| Dellinger, | Parker, | Valliant, |
| Dennis, | Pugh, | Wooden—26. |

So the question upon its adoption was decided in the affirmative.

Mr. Davis, of Washington, moved to insert in the blank made the words "two thousand."

Mr. Hebb moved to insert "twenty-five hundred."

The question being on the adoption of the motion of Mr. Hebb,

Mr. Davis, of Washington, demanded the yeas and nays;

The demand being sustained,

The yeas and nays were called, and appeared as follows:

AFFIRMATIVE.

| | | |
|-------------------|-----------|-----------------|
| Messrs. | Galloway, | Murray, |
| Goldsborough, P't | Greene, | Parker, |
| Abbott, | Harwood, | Pugh, |
| Andoun, | Hatch, | Ridgely, |
| Baker, | Hebb, | Russell, |
| Brooks, | Hoffman, | Schley, |
| Cunningham, | Hollyday, | Scott, |
| Cushing, | Hopkins, | Smith, of Dor., |
| Daniel, | Hopper, | Smith, of Wor., |
| Dellinger, | Kennard, | Stirling, |
| Dennis, | King, | Stockbridge, |
| Earle, | Larsh, | Sykes, |
| Ecker, | McComas, | Valliant, |
| Farrow, | Mullikin, | Wooden—41. |

NEGATIVE.

| | | |
|---------|----------|------------|
| Messrs. | Keefer, | Parran, |
| Annan, | Lee, | Purnell, |
| Bond, | Markey, | Robinette, |
| Brown, | Mayhugh, | Sands, |

| | | |
|--------------------|-----------|-------------|
| Davis, of Charles, | Mitchell, | Swope, |
| Davis, of Wash., | Miller, | Todd, |
| Edelen, | Nyman, | Wickard—20. |

So the question upon its adoption was decided in the affirmative.

Mr. Miller submitted the following amendment :

Sec. 1, lines five and six, strike out the words “exclusive of office and traveling expenses,” and insert, “and such additional sum for traveling and incidental expenses as the General Assembly may by law allow.”

Mr. Purnell submitted the following amendment to the amendment :

Amend by striking out the word “exclusive,” in the fifth line, and inserting the word “inclusive;”

Decided in the negative.

Mr. Stockbridge submitted the following amendment :

Strike out all after the word “expenses,” in amendment, and insert, “as shall be incurred, audited and approved by the Board of Education;”

Decided in the negative.

The question recurring upon the adoption of the amendment submitted by Mr. Miller,

It was decided in the affirmative.

Mr. Schley submitted the following amendment :

Section 1. Strike out all after the word “Governor,” in first line down to the words “or State,” in the third line, and insert the words “shall within thirty days after the ratification by the people of this Constitution, appoint, subject to the confirmation of the Senate, at its first session thereafter;”

Mr. Miller submitted the following amendment to the amendment :

After the word “after,” in second line insert “the commencement of the first session of the General Assembly under this Constitution,” and strike out the words “the ratification by the people of this Constitution,” in second and third line ;

Decided in the negative.

The question recurring upon the amendment submitted by Mr. Schley ;

It was decided in the affirmative.

Mr. Miller submitted the following amendment :

Strike out “thirty,” and insert “sixty ;”

Decided in the negative.

Mr. Edelen submitted the following amendment :

Strike out “section two ;”

Pending the consideration of which,

On motion of Mr. Stockbridge,

The Convention took a recess until 8 o'clock.

EVENING SESSION.

The Convention met at 8 o'clock, P. M.

All the members present except the following :

Messrs. Audoun, Barron, Belt, Berry, of Baltimore county, Berry, of Prince George's, Billingsley, Blackiston, Briscoe, Brooks, Carter, Chambers, Clarke, Crawford, Dail, Davis, of Charles, Dennis, Dent, Gale, Hatch, Henkle, Hodson, Horsey, Johnson, Jones, of Cecil, Jones, of Somerset, Lansdale, Larsh, Mace, Marbury, Morgan, Negley, Noble, Peter, Schlosser, Smith, of Carroll, Smith, of Dorchester, Sneary, Sykes, Thomas, Thruston, Turner, Valliant, Wickard, Wilmer—44.

The Convention resumed the consideration of the Report of the Committee on Education.

The question being on the adoption of the amendment submitted by Mr. Edelen, to strike out the second section of the Report.

Mr. Edelen demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|-----------|-----------|
| Messrs. | Harwood, | Mitchell, |
| Goldsborough, P't | Hollyday, | Miller, |
| Bond, | Hopkins, | Parran, |
| Brown, | Lee, | Purnell, |
| Davis, of Wash., | Mayhugh, | Sands—15. |
| Edelen, | | |

NEGATIVE.

| | | |
|-------------|-----------|-----------------|
| Messrs. | Hebb, | Pugh, |
| Abbott, | Hoffman, | Ridgely, |
| Annan, | Hopper, | Robinette, |
| Baker, | Keefer, | Russell, |
| Cunningham, | Kennard, | Schley, |
| Cushing, | King, | Scott, |
| Daniel, | Markey, | Smith, of Wor., |
| Dellinger, | McComas, | Stirling, |
| Earle, | Mullikin, | Stockbridge, |
| Ecker, | Murray, | Swope, |
| Farrow, | Nyman, | Todd, |
| Galloway, | Parker, | Wooden—36. |
| Greene, | | |

So the question upon its adoption was decided in the negative.

Mr. Purnell submitted the following amendment.

Amend section 2, by striking out all after the word "there," in line one, and insert "shall be in each county such number of School Commissioners as the Superintendent of Public Instruction shall deem necessary, who shall be appointed by the State Board of Education, shall hold office for four years, and shall perform such duties as the General Assembly or State Superintendent may direct, the School Commissioners of Baltimore city shall remain as at present constituted, and be appointed as at present by the Mayor and City Council, subject to such alterations and amendments as may be from time to time made by the General Assembly or the said Mayor and City Council."

The question being on the adoption of the amendment,

Mr. Sands demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|-----------|--------------|
| Messrs. | Hoffman, | Nyman, |
| Goldsborough, P't | Hollyday, | Parran, |
| Bond, | Hopkins, | Purnell, |
| Brown, | Keefer, | Ridgely, |
| Cushing, | Kennard, | Robinette, |
| Daniel, | Lee, | Sands, |
| Davis, of Wash., | Markey, | Stirling, |
| Dellinger, | Mayhugh, | Stockbridge, |
| Earle, | Mitchell, | Swope, |
| Edelen, | Miller, | Wooden—31. |
| Greene, | Mullikin, | |

NEGATIVE.

| | | |
|-------------|-----------|-----------------|
| Messrs. | Galloway, | Parker, |
| Abbott, | Harwood, | Pugh, |
| Annan, | Hebb, | Russell, |
| Baker, | Hopper, | Schley, |
| Cunningham, | King, | Scott, |
| Ecker, | McComas, | Smith, of Wor., |
| Farrow, | Murray, | Todd—20. |

So the question upon its adoption was decided in the affirmative.

Mr. Sands submitted the following amendment :

Strike out section 4 ;

Decided in the affirmative.

Mr. Stirling submitted the following amendment :

Amend section 5 by striking out from the word “become” in line seven down to the word “provided” in line eight, and insert, “the system of public schools of the State;” and amend section 5 by adding at the end of the section the words, “and such system shall be subject to such alterations conformable to this article as the General Assembly may from time to time enact;”

Decided in the affirmative.

Mr. Miller submitted the following amendment:

Sec. 5, strike out all after the word “year” in the fifth line.

The question being on the adoption of the amendment,

Mr. Miller demanded the yeas and nays;

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|-----------|-------------|
| Messrs. | Edelen, | Mitchell, |
| Goldsborough, P't | Harwood, | Miller, |
| Bond, | Hollyday, | Parran, |
| Brown, | Lee, | Purnell—12. |
| Duvall, | | |

NEGATIVE.

| | | |
|-----------------|-----------|----------------|
| Messrs. | Hebb, | Parker, |
| Abbott, | Hoffman, | Pugh, |
| Annan, | Hopkins, | Ridgely, |
| Baker, | Hopper, | Robinette, |
| Cunningham, | Keefer, | Russell, |
| Cushing, | Kennard, | Sands, |
| Daniel, | King, | Schley, |
| Davis, of Wash. | Markey, | Smith, of Wor. |
| Dellinger, | Mayhugh, | Stirling, |
| Earle, | McComas, | Stockbridge, |
| Ecker, | Mullikin, | Swope, |
| Farrow, | Murray, | Todd, |
| Galloway, | Nyman, | Wooden—39. |
| Greene, | | |

So the question upon its adoption was decided in the negative.

Mr. Cushing submitted the following amendment:

Amend section 6, line thirteenth, by inserting after the word "its" the word "additional," and by adding to the section the words "or as may hereafter be provided by the General Assembly or the Mayor and City Council of Baltimore;"

Decided in the affirmative.

Mr. Hebb submitted the following amendment:

Sec. 6, line one, strike out the words "its first" and insert the words "each regular;"

Decided in the affirmative.

On motion of Mr. Dellinger,

The Convention adjourned.

WEDNESDAY, August 10th, 1864.

The Convention met at 10 o'clock, A. M.

Prayer by the Rev. Mr. McNemar.

All the members present except the following :

Messrs. Barron, Belt, Berry, of Baltimore county, Billingsley, Blackiston, Briscoe, Brooks, Carter, Chambers, Clarke, Crawford, Davis, of Washington, Dennis, Dent, Hatch, Henkle, Hodson, Horsey, Johnson, Jones, of Somerset, Lansdale, Mace, Marbury, Morgan, Negley, Noble, Peter, Schlosser, Smith, of Dorchester, Sneary, Thruston, Wilmer—32.

The proceedings of yesterday were read and approved.

Mr. King, in accordance with notice given yesterday, submitted the following order :

Ordered, That the order passed July 21, by which the Convention determined to hold evening sessions, be and the same is hereby rescinded.

The question being on the adoption of the order,

Mr. Stockbridge demanded the yeas and nays ;

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|--------------------|------------------|-----------------|
| Messrs. | Gale, | Parran, |
| Audoun, | Harwood, | Ridgely, |
| Berry, of P. Geo., | Hollyday, | Sands, |
| Bond, | Jones, of Cecil, | Smith, of Wor., |
| Brown, | King, | Sykes, |
| Cunningham, | Larsh, | Thomas, |
| Dail, | Lee, | Todd, |
| Davis, of Charles, | Markey, | Turner, |
| Duvall, | Mitchell, | Valliant, |
| Edelen, | Miller, | Wickard—29. |

NEGATIVE.

| | | |
|-------------------|----------|------------|
| Messrs. | Greene, | Parker, |
| Goldsborough, P't | Hebb, | Pugh, |
| Abbott, | Hoffman, | Purnell, |
| Annan, | Hopkins, | Robinette, |

| | | |
|------------|-----------|--------------------|
| Baker, | Hopper, | Russell, |
| Cushing, | Keefer, | Schley, |
| Daniel, | Kennard, | Scott, |
| Dellinger, | Mayhugh, | Smith, of Carroll, |
| Earle, | McComas, | Stirling, |
| Ecker, | Mullikin, | Stockbridge, |
| Farrow, | Murray, | Swope, |
| Galloway, | Nyman, | Wooden—35. |

So the question upon its adoption was decided in the negative.

On motion of Mr. Mayhugh,

It was ordered to be entered on the Journal that Mr. Sneary is detained from his seat by sickness.

Messrs. Ridgely, Thomas, Davis, of Charles, Todd, Sykes, Hoffman, Schley and Harwood were excused from attendance upon the evening sessions of the Convention for a limited period.

Mr. Green from the Committee on the Executive Department submitted the following Report:

EXECUTIVE DEPARTMENT.

The Committee on the Executive Department respectfully submit the following

REPORT.

SECTION 1. The Executive power of the State shall be vested in a Governor, whose term of office shall commence on the second Wednesday of January next ensuing his election, and continue for four years, and until his successor shall have qualified; but the Governor chosen at the first election under this Constitution, shall not enter upon the discharge of the duties of the office until the expiration of the term for which the present incumbent was elected, unless the said office shall become vacant by death, resignation, removal from the State, or other disqualification of the said incumbent.

Sec. 2. The first election for Governor under this Constitution, shall be held on the Tuesday next after the first Monday of November in the year eighteen hundred and sixty-four, and on the same day and month in every fourth year thereafter, at the places of voting for Delegates to the General Assembly, and every person qualified to vote for Delegates shall be qualified and entitled to vote for Governor; the election to be held in the same manner as the election of Delegates,

and the returns thereof, under seal, to be addressed to the Speaker of the House of Delegates, and enclosed and transmitted to the Secretary of State, and delivered to the said Speaker, at the commencement of the session of the Legislature next ensuing said election.

Sec. 3. The Speaker of the House of Delegates shall then open the said returns in the presence of both Houses, and the person having the highest number of votes, and being Constitutionally eligible, shall be the Governor, and shall qualify in the manner herein prescribed, on the second Wednesday of January next ensuing his election, or as soon thereafter as may be practicable.

Sec. 4. If two or more persons shall have the highest and an equal number of votes, one of them shall be chosen Governor by the Senate and House of Delegates; and all questions in relation to the eligibility of Governor, and to the returns of said election, and to the number and legality of votes therein given, shall be determined by the House of Delegates. And if the person or persons, having the highest number of votes be ineligible, the Governor shall be chosen by the Senate and House of Delegates. Every election of Governor, by the Legislature, shall be determined by a joint majority of the Senate and House of Delegates, and the vote shall be taken viva voce. But if two or more persons shall have the highest and an equal number of votes, then a second vote shall be taken, which shall be confined to the persons having an equal number; and if the votes should be again equal, then the election of Governor shall be determined by lot between those who shall have the highest and an equal number on the first vote.

Sec. 5. A person to be eligible to the office of Governor, must have attained the age of thirty years, and been for five years a citizen of the United States, and for five years next preceding his election a resident of the State.

Sec. 6. A Lieutenant Governor shall be chosen, at every regular election for Governor, in the same manner to continue in office for the same time and possess the same qualifications as the Governor. In voting for Governor and Lieutenant Governor the electors shall state for whom they vote as Governor, and for whom as Lieutenant Governor.

Sec. 7. The Lieutenant Governor shall, by virtue of his office, be President of the Senate, and whenever the Senate are equally divided, shall have the right to give the casting vote.

Sec. 8. In case of the death, resignation, removal from the State, or other disqualification of the Governor, the powers, duties and emoluments of the office shall devolve upon the Lieutenant Governor; and in case of his death, resignation, or removal, then upon the President of the Senate for the time being—until the disqualification or inability shall cease, or until a new Governor shall be elected and qualified.

Sec. 9. Whenever the Government shall be administered by the Lieutenant Governor, or he shall be unable to attend as President of the Senate, the Senators shall elect one of their own number as President pro tempore.

Sec. 10. The Lieutenant Governor, while he acts as President of the Senate, shall receive for his services the same compensation which shall, for the same period, be allowed to the Speaker of the House of Delegates, and no more.

Sec. 11. The Governor shall be Commander-in-Chief of the land and naval forces of the State, and may call out the militia to repel invasions, suppress insurrections, and enforce the execution of the laws; but shall not take the command in person without the consent of the Legislature.

Sec. 12. He shall take care that the laws be faithfully executed.

Sec. 13. He shall nominate, and by and with the advice and consent of the Senate, appoint all civil and military officers of the State, whose appointment or election is not otherwise herein provided for, unless a different mode of appointment be prescribed by the law creating the office.

Sec. 14. In case of any vacancy during the recess of the Senate, in any office which the Governor has power to fill, he shall appoint some suitable person to said office, whose commission shall continue in force till the end of the next session of the Legislature, or till some other person is appointed to the same office, whichever shall first occur, and the nomination of the person thus appointed during the recess, or of some other person in his place, shall be made to the Senate, within thirty days after the next meeting of the Legislature.

Sec. 15. No person, after being rejected by the Senate, shall be again nominated for the same office, at the same session, unless at the request of the Senate; or be appointed to the same office during the recess of the Legislature.

Sec. 16. All civil officers appointed by the Governor and Senate, shall be nominated to the Senate within fifty days from the commencement of each regular session of the Legisla-

ture, and their term of office (except in cases otherwise provided for in this Constitution) shall commence on the first Monday of May next ensuing their appointment, and continue for two years (unless sooner removed from office,) and until their successors respectively qualify according to law.

Sec. 17. The Governor may suspend or arrest any military officer of the State, for disobedience of orders, or other military offence, and may remove him in pursuance of the sentence of a court martial; and may remove for incompetency or misconduct, all civil officers who received appointments from the Executive for a term not exceeding two years.

Sec. 18. The Governor may convene the Legislature, or the Senate alone, on extraordinary occasions; and whenever, from the presence of an enemy or from any other cause, the seat of government shall become an unsafe place for the meeting of the Legislature, he may direct their sessions to be held at some other convenient place.

Sec. 19. It shall be the duty of the Governor semi-annually, and oftener if he deem it expedient, to examine the bank book, account books, and official proceedings of the Treasurer and Comptroller of the State.

Sec. 20. He shall from time to time inform the Legislature of the condition of the State, and recommend to their consideration such measures as he may judge necessary and expedient.

Sec. 21. He shall have power to grant reprieves and pardons, except in cases of impeachment, and in cases in which he is prohibited by other articles of this Constitution, and to remit fines and forfeitures for offences against the State; but shall not remit the principal or interest of any debt due to the State, except in cases of fines and forfeitures; and before granting a nolle prosequi, or pardon, he shall give notice in one or more newspapers of the application made for it, and of the day on or after which his decision will be given; and in every case in which he exercises this power, he shall report to either branch of the Legislature, whenever required, the petitions, recommendations and reasons which influenced his decision.

Sec. 22. The Governor shall reside at the seat of Government, and shall receive for his services an annual salary of four thousand dollars.

Sec. 23. A Secretary of State shall be appointed by the Governor, by and with the advice and consent of the Senate, who shall continue in office, unless sooner removed by the Governor, till the end of the official term of the Governor

from whom he received his appointment, and shall receive an annual salary of one thousand dollars.

Sec. 24. He shall carefully keep and preserve a record of all official acts and proceedings, which may at all times be inspected by a committee of either branch of the Legislature, and shall perform such other duties as may be prescribed by law, or as may properly belong to his office.

Which was read the first time.

Mr. Miller, from a minority of said committee, submitted the following Report :

MINORITY REPORT.

The undersigned, members of the Committee on the Executive Department, respectfully submit the following Minority Report :

In lieu of the second section of the Report of the Majority, they submit and recommend the adoption of the following :

Section 2. The first election for Governor, under this Constitution, shall be held on the Tuesday next after the first Monday in November, eighteen hundred and sixty-five, and the second election shall be held on the Tuesday next after the first Monday in November, eighteen hundred and sixty-eight, and on the same day and month in every fourth year thereafter, at the places of voting for Delegates to the General Assembly, and every person qualified to vote for Delegates, shall be qualified and entitled to vote for Governor ; the election to be held in the same manner as the election of Delegates, and the returns thereof, under seal, to be addressed to the Speaker of the House of Delegates, and enclosed and transmitted to the Secretary of State, and delivered to the said Speaker at the commencement of the session of the Legislature next ensuing said election.

They further recommend the omission of all the sections in the Report of the Majority, having reference to the office and duties of Lieutenant Governor, being sections 6, 7, 8, 9, 10, and recommend the adoption in lieu thereof of the following sections of the present Constitution :

Sec. 7. In case of the death or resignation of the Governor, or of his removal from the State, the General Assembly, if in session, or if not, at their next session, shall elect some other qualified resident of the same district to be the Governor for the residue of the term for which the said Governor had been elected.

Sec. 8. In case of any vacancy in the office of Governor during the recess of the Legislature, the President of the Senate shall discharge the duties of said office till a Governor is elected, as herein provided for; and in case of the death or resignation of said President, or of his removal from the State, or of his refusal to serve, then the duties of said office shall, in like manner and for the same interval, devolve upon the Speaker of the House of Delegates, and the Legislature may provide by law for the case of impeachment or inability of the Governor, and declare what person shall perform the Executive duties during such impeachment or inability; and for any vacancy in said office not herein provided for, provision may be made by law, and if such vacancy should occur without such provision being made, the Legislature shall be convened by the Secretary of State, for the purpose of filling said vacancy.

In other respects the undersigned concur in the Report of the Majority.

OLIVER MILLER,
C. S. PARRAN.

Which was read.

Mr. Brown from the minority of the committee on the Elective Franchise, submitted the following

REPORT.

The minority of the Committee not being able to concur in all of the views of the majority, beg leave to submit the following Report:

ARTICLE I.

ELECTIVE FRANCHISE.

SECTION 1. Every free white male person of twenty-one years of age, and upwards, who shall have been one year next preceding the election a resident of the State, and for six months a resident of Baltimore, or of any county in which he may offer to vote, and being at the time of the election a citizen of the United States, shall be entitled to vote in the ward or election district in which he resides, in all elections hereafter to be held; and at all such elections the vote shall be taken by ballot. And in case any county or city shall be so divided as to form portions of different electoral districts for the election of Congressmen, Senator, Delegate or other officer or officers, then to entitle a person to vote for such officer, he must have been a resident of that part of the county or city which shall form a part of the electoral district in which

he offers to vote, for six months next preceding the election; but a person who shall not have acquired a residence in such county or city entitling him to vote at any such election shall be entitled to vote in the election district from which he removed, until he shall have acquired a residence in the part of the county or city to which he has removed.

Sec. 2. That if any person shall give, or offer to give, directly or indirectly, any bribe, present or reward, or any promise, or any security for the payment or delivery of money or any other thing to induce any voter to refrain from casting his vote, or forcibly to prevent him in any way from voting, or to obtain or procure a vote for any candidate or person proposed or voted for, as elector of President and Vice President of the United States, or Representative in Congress, or for any office of profit or trust created by the Constitution or Laws of this State, or by the ordinances or authority of the Mayor and City Council of Baltimore, the person giving or offering to give, and the person receiving the same, and any person who gives or causes to be given an illegal vote, knowing it to be so, at any election to be hereafter held in this State, shall on conviction in a Court of Law, in addition to the penalties now or hereafter to be imposed by law, be forever disqualified to hold any office of profit or trust, or to vote at any election thereafter.

Sec. 3. It shall be the duty of the General Assembly of Maryland to pass laws to punish with fine and imprisonment any person who shall remove into any election district or ward of the city of Baltimore, not for the purpose of acquiring a bona fide residence therein, but for the purpose of voting therein at an approaching election, or who shall vote in any election district or ward in which he does not reside, (except in the case provided for in the first article of the Constitution,) or shall, at the same election vote in more than one election district or ward, or shall vote or offer to vote in any name not his own, or in place of any other person of the same name, or shall vote in any county in which he does not reside.

Sec. 4. Every person elected or appointed to any office of profit or trust under the Constitution or Laws made pursuant thereto, before he shall enter upon the duties of such office shall take and subscribe the following oath or affirmation: I, A. B., do swear or affirm, (as the case may be,) that I will support the Constitution of the United States, and that I will be faithful and bear true allegiance to the State of Maryland, and support the Constitution and Laws thereof, and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of ———

according to the Constitution and Laws of this State, and that since the adoption of the present Constitution I have not in any manner violated the provisions thereof in relation to bribery of voters or preventing legal or procuring illegal votes to be given; (and if a Governor, Senator, Member of the House of Delegates, or Judge,) “that I will not directly or indirectly receive the profits, or any part of the profits, of any other office during the time of my acting as ————.” And if any person elected or appointed to office as aforesaid, shall refuse or neglect to take the said oath or affirmation, he shall be considered as having refused to accept the said office, and a new election or appointment shall be made as in case of refusal or resignation, and any person swearing or affirming falsely in the premises, shall, on conviction thereof in a court of law, incur the penalties for wilful and corrupt perjury, and be thereafter incapable of voting at any election, and also incapable of holding any office of profit or trust in this State.

Sec. 5. No person who is lunatic, non-compos mentis, or under guardianship, shall be allowed to vote; nor shall any one convicted of bribery, or other infamous crime that consigns him to the penitentiary, until two years after he shall have paid the penalty of his offence, unless pardoned by the Governor.

Sec. 6. No person in the Military or Naval service of the United States shall be considered as having acquired a residence to vote because he has been employed at any barracks, forts, or naval station in this State, and no citizen shall be deemed to have lost his residence by reason of his absence while employed in the service of this State or the United States, or while engaged in navigating the waters thereof or the high seas, or while confined as a public prisoner.

JNO. BROWN,
FENDALL MARBURY.

Which was read the first time.

Mr. Scott gave notice that he would at the proper time submit the following amendment to the — section of the report of the Committee on the Elective Franchise:

“That I will be faithful and support the Constitution and Laws of Maryland, and that I will to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of ———— and that since the adoption of the present Constitution I have not in any manner violated the provisions thereof in relation to bribery of voters or preventing legal or procuring illegal votes to be

given, (and if a Governor, Senator, Member of the House of Delegates or Judge,) that I will not directly or indirectly receive the profits or any part of the profits of any other office during the time of my acting as _____, and that I owe paramount allegiance to the Constitution and Government of the United States, any law or ordinance of the General Assembly or State Convention of Maryland, to the contrary notwithstanding; that I will defend the said Constitution and Government of the United States to the last extremity, against every enemy, and that since the commencement of the civil war and rebellion, I have never in any manner either directly or indirectly by word or deed given aid or encouragement to those in rebellion against the United States, that I have never sympathised with them, nor desired their success, but have uniformly and at all times denounced them not only as rebels against and traitors to their country, but as enemies of the human race.

The report of the Committee on Education,
Was taken up,

Mr. Miller submitted the following amendment:

Sec. 6. After the word "tax" in the twelfth line, insert, "and provided further that the taxes now levied for the support of public schools in the several counties of this State shall be discontinued on and after the first day of January 1866;"

Pending the consideration of which,

The hour having arrived for taking up the Order of the Day, being the Report of the Committee on the Judiciary Department.

On motion of Mr. Berry, of Prince George's,

It was postponed until after the consideration of the Report of the Committee on Education.

The question then recurring upon the adoption of the amendment submitted by Mr. Miller;

Mr. Miller demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows:

AFFIRMATIVE.

| | | |
|--------------------|--------------------|-----------|
| Messrs. | Davis, of Charles, | Lee, |
| Berry, of P. Geo., | Duvall, | Mitchell, |

Bond,
Brown,
Clarke,
Dail,

Edelen,
Gale,
Harwood,
Hollyday,

Miller,
Parran,
Stockbridge,
Turner—16.

NEGATIVE.

Messrs.
Abbott,
Annan,
Auldoun,
Baker,
Cunningham,
Cushing,
Daniel,
Earle,
Ecker,
Farrow,
Galloway,
Greene,
Hebb,

Hoffman,
Hopkins,
Hopper,
Keefer,
Kennard,
King,
Mayhugh,
McComas,
Mullikin,
Murray,
Nyman,
Parker,
Pugh,
Purnell,

Ridgely,
Robinette,
Russell,
Sands,
Schley,
Scott,
Stirling,
Swope,
Sykes,
Thomas,
Todd,
Valliant,
Wickard,
Wooden—41.

So the question upon its adoption was decided in the negative.

Mr. Duvall submitted the following amendment:

Add at the end of the section “and provided further that the public schools established by this Article of the Constitution, shall be schools solely for the white children of the State.”

Mr. Cushing called the previous question.

The question being,

“Shall the main question be now put?”

It was decided in the affirmative.

The question recurring upon the amendment submitted by Mr. Duvall,

Mr. Duvall demanded the yeas and nays ;

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

Messrs.
Berry, of P. Geo.
Bond,

Edelen,
Gale,
Harwood,

Mitchell,
Miller,
Parran,

| | | |
|--------------------|------------------|--------------------|
| Clarke, | Hollyday, | Smith, of Carroll, |
| Dail, | Jones, of Cecil, | Smith, of Wor., |
| Davis, of Charles, | Lee, | Turner—18. |
| Duvall, | | |

NEGATIVE.

| | | |
|-------------|-----------|------------|
| Messrs. | Hoffman, | Ridgely, |
| Abbott, | Hopkins, | Robinette, |
| Annan, | Hopper, | Russell, |
| Audoun, | Keefer, | Sands, |
| Baker, | Kennard, | Schley, |
| Cunningham, | King, | Scott, |
| Cushing, | Larsh, | Stirling, |
| Daniel, | Markey, | Swope, |
| Dellinger, | Mayhugh, | Sykes, |
| Earle, | McComas, | Thomas, |
| Ecker, | Mullikin, | Todd, |
| Farrow, | Murray, | Valliant, |
| Galloway, | Parker, | Wickard, |
| Greene, | Pugh, | Wooden—43. |
| Hebb, | Purnell, | |

So the question upon its adoption was decided in the negative.

The question recurring upon the adoption of the section as amended,

Mr. Berry, of Prince George's, demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------|------------------|--------------------|
| Messrs. | Hopkins, | Robinette, |
| Abbott, | Hopper, | Russell, |
| Annan, | Jones, of Cecil, | Sands, |
| Audoun, | Keefer, | Schley, |
| Cunningham, | Kennard, | Scott, |
| Cushing, | King, | Smith, of Carroll, |
| Daniel, | Larsh, | Smith, of Wor., |
| Dellinger, | Markey, | Stirling, |
| Earle, | Mayhugh, | Stockbridge, |
| Ecker, | McComas, | Swope, |
| Farrow, | Mullikin, | Sykes, |
| Galloway, | Murray, | Thomas, |
| Greene, | Parker, | Todd, |

Harwood,
Hebb,
Hoffman,

Pugh,
Purnell,
Ridgely,

Valliant,
Wickard,
Wooden—47.

NEGATIVE.

Messrs.

Berry, of P. Geo.,
Bond,
Clarke,
Dail,

Davis, of Charles,
Duvall,
Edelen,
Gale,
Hollyday,

Lee,
Mitchell,
Miller,
Parran,
Turner—14.

So the question upon its adoption was decided in the affirmative.

Mr. Cushing submitted the following amendment :

Amend section 7, by striking out the words “a not less annual amount than three hundred thousand dollars,” and insert the words “not less than five cents on each one hundred dollars of taxable property throughout the State ;”

Decided in the affirmative.

Mr. Ridgely submitted the following amendment :

Strike out after the word “dollars,” 10th line, down to the word “determine,” in the 12th line, and insert, “when the tax of ten cents in the hundred dollars, authorised by the preceding section, may be discontinued in whole or in part, as the Legislature may direct, the principal fund of six millions hereby provided shall remain forever inviolate as the free school fund of the State ;”

Decided in the affirmative.

Mr. Duvall submitted the following amendment :

Amend by adding at the end of section, “provided that no portion of said school fund, with the interest accruing therefrom, derived by taxing the white population, shall be applied toward educating the free negro population.”

The question being on the adoption of the amendment,

Mr. Berry, of Prince George’s, demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|--------------------|-----------|-----------------|
| Messrs. | Edelen, | Mitchell, |
| Berry, of P. Geo., | Gale, | Miller, |
| Bond, | Harwood, | Parran, |
| Dail, | Hollyday, | Smith, of Wor., |
| Davis, of Charles, | Lee, | —14. |
| Duvall, | | |

NEGATIVE.

| | | |
|-------------|-----------|--------------|
| Messrs. | Hoffman, | Purnell, |
| Abbott, | Hopkins, | Ridgely, |
| Annan, | Hopper, | Robinette, |
| Audoun, | Keefer, | Russell, |
| Baker, | Kennard, | Sands, |
| Clarke, | King, | Schley, |
| Cunningham, | Larsh, | Scott, |
| Cushing, | Markey, | Stirling, |
| Daniel, | Mayhugh, | Stockbridge, |
| Dellinger, | McComas, | Swope, |
| Earle, | Mullikin, | Thomas, |
| Ecker, | Murray, | Todd, |
| Farrow, | Nyman, | Valliant, |
| Galloway, | Parker, | Wickard, |
| Greene, | Pugh, | Wooden—45. |
| Hebb, | | |

So the question upon its adoption was decided in the negative.

Mr. Davis, of Charles, submitted the following amendment:

After the word “purposes” in the 13th line, 7th section, insert “of the white population.”

Mr. Audoun called the previous question,

The question being,

“Shall the main question be now put?”

It was decided in the affirmative.

The question recurring upon the amendment of Mr. Davis, of Charles,

It was decided in the negative.

Mr. Cushing submitted the following amendment:

Amend section 1, by inserting after word “years” in line

fourth the words "and until his successor shall have been appointed and shall have qualified;"

Decided in the affirmative.

Mr. Cushing submitted the following amendment :

Amend section 2, by inserting after the word "duties" the words "and receive such compensation;"

Decided in the affirmative.

The report was then ordered to be engrossed for a third reading.

Mr. Thomas moved that the Convention take a recess until 8 o'clock,

Decided in the negative.

The Order of the Day, being the report of the Committee on the Judiciary Department,

Was taken up.

On motion of Mr. Berry, of Prince George's,

The consideration of the report was informally passed over.

On motion of Mr. Audoun,

The Convention proceeded to the consideration of the report of the Committee on the Treasury Department.

Mr. Hebb submitted the following amendment :

Sec. 1. line two, after the word "State," insert the words, "at each general election of members of the General Assembly;"

Decided in the affirmative.

Mr. Stirling submitted the following amendment :

Sec. 1, line three, after the word "of" insert the words "twenty-five hundred;"

Mr. Thomas moved to amend by inserting "three thousand;"

Mr. Wickard moved to amend by inserting "two thousand."

The question being on the amendment submitted by Mr. Thomas,

It was decided in the negative.

The question next being on the amendment submitted by Mr. Stirling,

It was decided in the affirmative.

Mr. Hebb submitted the following amendment :

Sec. 1, line five, strike out the word "Legislature," and insert the words "General Assembly at each regular session thereof;"

Decided in the affirmative.

Mr. Galloway submitted the following amendment :

Sec. 1, line one, after the word "of" insert "twenty-five hundred dollars;"

Decided in the affirmative.

Mr. Hebb submitted the following amendment:

Line fourteen, after the word "successor," insert the following: "but the Comptroller chosen at the first election under this Constitution, and the Treasurer appointed at the first session of the General Assembly held under this Constitution shall not enter upon the discharge of the duties of their respective offices until the expiration of the terms of the present incumbents, unless the said offices or either of them shall become vacant by death, resignation, removal from the State, or other disqualification of the said incumbents or either of them;"

Decided in the affirmative.

Mr. Kennard submitted the following amendment :

Section 1. Seventeenth line, strike out all after the word "duties," and insert "as are now or may be prescribed by law ;"

Decided in the affirmative.

Mr. Berry, of Prince George's, submitted the following amendment :

Sec. 1. In sixth line first section, strike out the words "joint ballot," and insert "by the concurrent vote of the two houses of the General Assembly ;"

The question being on the adoption of the amendment,

Mr. Berry, of Prince George's, demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|--------------------|--------------------|------------|
| Messrs. | Dail, | Lee, |
| Berry, of P. Geo., | Davis, of Charles, | Mitchell, |
| Bond, | Edelen, | Miller, |
| Brown, | Hollyday, | Turner—12. |
| Clarke, | | |

NEGATIVE.

| | | |
|-------------|------------------|--------------------|
| Messrs. | Hopper, | Robinette, |
| Abbott, | Jones, of Cecil, | Russell, |
| Annan, | Keefer, | Schley, |
| Audoun, | Kennard, | Scott, |
| Baker, | King, | Smith, of Carroll, |
| Cunningham, | Larsh, | Smith, of Wor., |
| Cushing, | Markey, | Stirling, |
| Daniel, | Mayhugh, | Stockbridge, |
| Dellinger, | McComas, | Swope, |
| Earle, | Mullikin, | Sykes, |
| Ecker, | Murray, | Thomas, |
| Farrow, | Nyman, | Todd, |
| Greene, | Parker, | Valliant, |
| Hebb, | Pugh, | Wickard, |
| Hoffman, | Purnell, | Wooden—46. |
| Hopkins, | Ridgely, | |

So the question upon its adoption was decided in the negative.

On motion of Mr. Berry, of Prince George's,

The Convention took a recess until 8 o'clock.

EVENING SESSION.

The Convention met at 8 o'clock, P. M.

All the members present except the following :

Messrs. Baker, Barron, Belt, Berry, of Baltimore county, Billingsley, Blackiston, Bond, Briscoe, Brooks, Carter, Chambers, Clarke, Crawford, Davis, of Charles, Dennis, Dent, Duvall, Gale, Harwood, Hatch, Henkle, Hoffman, Horsey, Johnson, Jones, of Cecil, Jones, of Somerset, Lansdale, Larsh, Mace, Marbury, Morgan, Negley, Noble, Parker, Parran, Peter, Ridgely, Schley, Schlosser, Smith, of Carroll, Smith, of Dorchester, Sneary, Sykes, Thomas, Thruston, Turner, Valliant, Wilmer—48.

There being no quorum present,

Mr. Farrow moved a call of the Convention;

The motion being sustained,

The roll was called, and the following members responded:

Messrs. Goldsborough, (Pres't,) Abbott, Annon, Audoun, Berry, of Prince George's Brown, Cunningham, Cushing, Dail, Daniel, Davis, of Washington, Dellinger, Earle, Ecker, Edelen, Farrow, Galloway, Green, Hebb, Hodson, Hollyday, Hopkins, Hopper, Keefer, Kennard, King, Lee, Markey, Mayhugh, McComas, Mitchell, Miller, Mullikin, Murray, Nyman, Pugh, Purnell, Robinette Russell, Sands, Scott, Smith, of Worcester, Stirling, Stockbridge, Swope, Wickard, Wooden—47.

On motion of Mr. Murray,

The Sergeant-at-Arms was sent after the absent members.

On motion of Mr. Berry, of Prince George's ;

The Convention adjourned.

THURSDAY, August 11th, 1864.

The Convention met at 10 o'clock, A. M.

Prayer by the Rev. Mr. Owen.

All the Members present except the following :

Messrs. Audoun, Baker, Barron, Belt, Berry, of Baltimore county, Billingsley, Blackiston, Bond, Briscoe, Carter, Chambers, Clarke, Crawford, Cushing, Dennis, Dent, Duvall, Gale, Harwood, Henkle, Horsey, Johnson, Jones, of Cecil, Jones, of Somerset, Lansdale, Larsh, Mace, Marbury, Negley, Noble, Parran, Peter, Ridgely, Sands, Schley, Schlosser, Smith, of Dorchester, Todd, Turner—39.

The proceedings of yesterday were read and approved.

Mr. Purnell submitted the following resolution :

Resolved, That this Convention will adjourn sine die on Wednesday the 31st inst., unless adjourned at an earlier day in consequence of having finished the business for which it was called.

Which was read the first time.

The Convention proceeded to the consideration of the report of the Committee on the Treasury Department.

Mr. Stirling submitted the following amendment :

Sec. 2, last line, strike out the words "shall be," and insert "are now, or may be hereafter;"

Decided in the affirmative.

Mr. Miller submitted the following amendment.

Strike out the word "Legislature," and insert "General Assembly;"

Decided in the affirmative.

Mr. Miller submitted the following amendment :

Sec. 4, last line, strike out the words "shall be," and insert the words "are now or may be hereafter;"

Decided in the affirmative.

Mr. Stockbridge submitted the following amendment:

Sec. 4, line two, after the word "each" insert the word "regular;"

Decided in the affirmative.

Mr. Scott moved to reconsider the vote by which the amendment was adopted fixing the salary of the Comptroller at twenty-five hundred dollars:

Decided in the negative.

The report was then ordered to be engrossed for a third reading.

On motion of Mr. Audoun,

The Convention proceeded to the consideration of the report of the Committee on the Elective Franchise.

Mr. Brown submitted the following amendment:

Strike out the entire report submitted by the Majority of said Committee, and insert in lieu thereof the report submitted by the Minority of said Committee;

Pending which,

The Convention proceeded to the consideration of the second section of the Majority Report.

Mr. Stirling submitted the following amendment:

Sec. 1, line eight, strike out the words "free white male," and insert the word "such ;"

Decided in the affirmative.

Line 8, strike out all after the word "person," to the word "being" in line 11 ;

Decided in the affirmative.

Mr. Davis, of Charles, submitted the following amendment:

Sec. 1st., line seven, after the word "held," insert "and all persons shall be considered loyal who have not been convicted in some Court of Law of disloyalty ;"

The question being on the adoption of the amendment,

Mr. Davis, of Charles, demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

| | | |
|--------------------|-----------|------------|
| Messrs. | Edelen, | Mitchell, |
| Berry, of P. Geo., | Hodson, | Miller, |
| Brown, | Hollyday, | Morgan, |
| Dail, | Lee, | Wilmer—12. |
| Davis, of Charles, | | |

NEGATIVE.

| | | |
|-------------------|-----------|--------------------|
| Messrs. | Hebb, | Robinette, |
| Goldsborough, P't | Hoffman, | Russell, |
| Abbott, | Hopkins, | Scott, |
| Annan, | Hopper, | Smith, of Carroll, |
| Audoun, | Keefer, | Smith, of Wor. |
| Brooks, | Kennard, | Sneary, |
| Cunningham, | King, | Stirling, |
| Cushing, | Markey, | Stockbridge, |
| Daniel, | Mayhugh, | Swope, |
| Davis, of Wash., | McComas, | Sykes, |
| Dellinger, | Mullikin, | Thomas, |
| Earle, | Murray, | Thruston, |
| Ecker, | Nyman, | Todd, |
| Farrow, | Parker, | Valliant, |
| Galloway, | Pugh, | Wickard, |
| Greene, | Purnell, | Wooden—48. |
| Hatch, | | |

So the question upon its adoption was decided in the negative.

Mr. Stockbridge submitted the following amendment :

Insert before "every," in line one, "at all elections hereafter to be held in this State the vote shall be by ballot," and strike out from "effect," in line seventeen to "ballot," in line eighteen ;

Pending the consideration of which,

On motion of Mr. Scott,

The further consideration of section one was informally passed over.

Section 2, was then taken up.

Mr. Stirling submitted the following amendments:

Strike out section two and insert:

"Sec. 2. No person who has at any time been in armed hostility to the United States or the lawful authorities thereof

or who has been in any manner in the service of the so called "Confederate States of America;" and no person who since the _____ has voluntarily left this State and gone within the military lines of the so called Confederate States or armies, unless he shall have gone by the authority of the United States; and no person who has given any aid, comfort, countenance or support to those engaged in armed hostility to the United States, or in any manner adhered to the enemies of the United States, either by contributing to the enemies of the United States, or unlawfully sending within the lines of such enemies money or goods, or letters, or information, or who has disloyally held communication with the enemies of the United States, or who has advised any person to enter the service of the said enemies, or aided any person so to enter, or who has by any open deed or word declared his adhesion to the cause of the enemies of the United States, or his desire for the triumph of said enemies over the arms of the United States shall ever be entitled to vote at any election to be held in this State, or to hold any office of honor, profit or trust under the laws of this State, unless since such unlawful acts he shall have voluntarily entered into military service of the United States, and been honorably discharged therefrom, or be on the day of election actually and voluntarily in such service, or unless he shall be restored to his full rights of citizenship by an act of the General Assembly passed by a vote of two thirds of all the members elected to each House; and it shall be the duty of all officers of Registration and Judges of election carefully to exclude from voting or being registered all persons so as above disqualified; and the Judges of election at the first election held under this Constitution shall and at any subsequent election may administer to any person offering to vote the following oath or affirmation: I do swear or affirm that I am a citizen of the United States, that I have never given any aid, countenance or support to those in armed hostility to the United States, that I have never expressed a desire for the triumph of said enemies over the arms of the United States, and that I will bear true faith and allegiance to the United States and support the Constitution and laws thereof as the supreme law of the land any law or ordinance of any State to the contrary notwithstanding, and will in all respects demean myself as a loyal citizen of the United States, and I swear this without any reservation or evasion; and any person declining to take such oath shall not be allowed to vote, but the taking of such oath shall not be deemed conclusive evidence of the right of such person to vote; any person swearing or affirming falsely shall be liable to penalties of perjury; and it shall be the duty of the proper officers of Registration to allow no person to be registered

until he shall have taken the oath or affirmation above set out, and it shall be the duty of the Judges of election in all returns of the first election held under this Constitution to state in their returns that every person who has voted has taken such oath or affirmation.”

Mr. Farrow moved to fill up the blank by inserting the first day of June, 1861 ;

Mr. Davis, of Charles moved to insert “the first day of January, 1865 ;”

The question being on the adoption of the amendment ;

Mr. Berry, of Prince George’s, demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|--------------------|-----------|------------|
| Messrs. | Edelen, | Mitchell, |
| Berry, of P. Geo., | Hodson, | Miller, |
| Brown, | Hollyday, | Morgan, |
| Dail, | Lee, | Wilmer—12. |
| Davis, of Charles, | | |

NEGATIVE.

| | | |
|------------------|-----------|--------------------|
| Messrs. | Hebb, | Robinette, |
| Goldsbrough, P’t | Hoffman, | Russell, |
| Abbott, | Hopkins, | Scott, |
| Annan, | Hopper, | Smith, of Carroll, |
| Audoun, | Keefer, | Smith, of Wor., |
| Brooks, | Kennard, | Sneary, |
| Cunningham, | King, | Stirling, |
| Cushing, | Markey, | Stockbridge, |
| Daniel, | Mayhugh, | Swope, |
| Davis, of Wash., | McComas, | Sykes, |
| Dellinger, | Mullikin, | Thomas, |
| Earle, | Murray, | Thruston, |
| Ecker, | Nyman, | Todd, |
| Farrow, | Parker, | Valliant, |
| Galloway, | Pugh, | Wickard, |
| Greene, | Purnell, | Wooden—48. |
| Hatch, | | |

So the question upon its adoption was decided in the negative.

Mr. Cushing moved to insert "the first day of January, 1862 ;"

Decided in the negative.

The amendment of Mr. Farrow was then withdrawn.

By general consent, Mr. Stirling modified his amendment as follows :

Strike out the words before the blank "since the." After the word "armies," in the first clause of the amendment insert the words "with the purpose of adhering to said States or armies.

Strike out the words "unless he shall have gone by the authority of the United States."

Mr. Berry, of Prince George's, submitted the following amendment :

Insert in the amendment, after the word "person," preceding the oath, the words "when challenged by a legally qualified voter, resident of said district or ward in which the vote is offered ;"

The question being on the adoption of the amendment ;

Mr. Berry, of Prince George's, demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|--------------------|-----------|------------|
| Messrs. | Edelen, | Mitchell, |
| Berry, of P. G. | Hodson, | Miller, |
| Brown, | Hollyday, | Morgan, |
| Dail, | Lee, | Wilmer—12. |
| Davis, of Charles, | | |

NEGATIVE.

| | | |
|-------------------|----------|--------------------|
| Messrs. | Hatch, | Purnell, |
| Goldsborough, P't | Hebb, | Robinette, |
| Abbott, | Hoffman, | Russell, |
| Annan, | Hopkins, | Scott, |
| Audoun, | Hopper, | Smith, of Carroll, |
| Brooks, | Keefer, | Sneary, |
| Cunningham, | Kennard, | Stirling, |
| Cushing, | King, | Stockbridge, |
| Daniel, | Markey, | Swope, |

| | | |
|------------------|-----------|------------|
| Davis, of Wash., | Mayhugh, | Sykes, |
| Dellinger, | McComas, | Thomas, |
| Earle, | Mullikin, | Thruston, |
| Ecker, | Murray, | Todd, |
| Farrow, | Nyman, | Valliant, |
| Galloway, | Parker, | Wickard, |
| Greene, | Pugh, | Wooden—47. |

So the question upon its adoption was decided in the negative.

The question then being on the adoption of the amendment, submitted by Mr. Stirling ;

Mr. Berry, of Prince George's, demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|-----------|--------------------|
| Messrs. | Hatch, | Robinette, |
| Goldsborough, P't | Hebb, | Russell, |
| Abbott, | Hoffman, | Scott, |
| Annan, | Hopkins, | Smith, of Carroll, |
| Audoun, | Hopper, | Smith, of Wor., |
| Brooks, | Keefer, | Sneary, |
| Cunningham, | Kennard, | Stirling, |
| Cushing, | Markey, | Stockbridge, |
| Daniel, | Mayhugh, | Swope, |
| Davis, of Wash., | McComas, | Sykes, |
| Dellinger, | Mullikin, | Thomas, |
| Earle, | Murray, | Thruston, |
| Ecker, | Nyman, | Todd, |
| Farrow, | Parker, | Valliant, |
| Galloway, | Pugh, | Wickard, |
| Greene, | Purnell, | Wooden—47. |

NEGATIVE.

| | | |
|--------------------|-----------|------------|
| Messrs. | Edelen, | Mitchell, |
| Berry, of P. Geo. | Hodson, | Miller, |
| Brown, | Hollyday, | Morgan, |
| Dail, | Lee, | Wilmer—12. |
| Davis, of Charles, | | |

So the question upon its adoption was decided in the affirmative.

Mr. Stockbridge submitted the following amendment :

Add to end of section, the words "or affirmation ;"

Decided in the affirmative.

Mr. Stirling submitted the following amendment :

Add to the end of the section the following words :

"But the provisions of this section, in relation to acts against the United State, shall not apply to any person not a citizen of the United States who shall have committed such acts while in the service of some foreign country, at war against the United States, and who has since such acts, been naturalized or may be naturalized under the Laws of the United States, and the oath above set forth shall be taken in the case of such persons in such sense ;"

Decided in the affirmative.

Mr. Audoun submitted the following amendment :

Amend by adding "before the officers of registration" above mentioned "shall proceed to act as such they shall take and subscribe to the oath aforesaid;"

Decided in the negative.

On motion of Mr. Scott,

The Convention returned to the consideration of section one of the report.

The question being on the adoption of the amendment submitted by Mr. Stockbridge, to wit:

Insert before "every" in line one, "at all elections hereafter to be held in this State the vote shall be by ballot," and strike out from "effect" in line seventeen to "ballot" in line eighteen.

It was decided in the negative.

Mr. Scott submitted the following amendment :

Sec. 1, strike out all to the word "and" in the eighteenth line, and insert:

"All elections shall be by ballot, and every white male citizen of the United States of the age of twenty one years or upwards, who shall have resided in the State one year next preceding the election, and six months in the city of Baltimore or in any county, shall be entitled to be registered as a legal voter ; and such registration made in accordance with such provisions as the General Assembly may prescribe; together with the muster rolls of all such soldiers as may be

entitled to be registered in the State, and who may be serving in the army of the United States, shall be held and taken as the only evidence of qualification to vote at any election hereafter, and the General Assembly shall by law provide for taking the votes of soldiers serving in the army of the United States, in the field."

Mr. Dellinger called the previous question ;

The question being,

"Shall the main question be now put?"

It was decided in the affirmative.

The question then being on the adoption of the amendment,

Mr. Berry, of Prince George's, demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows:

AFFIRMATIVE.

| | | |
|-------------------|-----------|--------------------|
| Messrs. | Greene, | Robinette, |
| Goldsborough, P't | Hatch, | Russell, |
| Abbott, | Hebb, | Scott, |
| Annan, | Hoffman, | Smith, of Carroll, |
| Audoun, | Hopkins, | Smith, of Wor., |
| Brooks, | Hopper, | Sneary, |
| Cunningham, | King, | Stirling, |
| Cushing, | Markey, | Stockbridge, |
| Daniel, | Mayhugh, | Swope, |
| Davis, of Wash., | Mullikin, | Sykes, |
| Dellinger, | Murray, | Thruston, |
| Earle, | Nyman, | Todd, |
| Ecker, | Parker, | Valliant, |
| Farrow, | Pugh, | Wickard, |
| Galloway, | Purnell, | Wooden—44. |

NEGATIVE.

| | | |
|-------------------|--------------------|------------|
| Messrs. | Davis, of Charles, | Mitchell, |
| Berry, of P. Geo. | Edelen, | Miller, |
| Brown, | Hollyday, | Morgan, |
| Dail, | Lee, | Wilmer—11. |

So the question upon its adoption was decided in the affirmative.

On motion of Mr. Purnell,
The Convention took a recess until 8 o'clock.

EVENING SESSION.

The Convention met at 8 o'clock, P. M.

All the members present except the following :

Messrs. Baker, Barron, Belt, Berry, of Baltimore county, Berry, of Prince George's, Billingsley, Blackiston, Bond, Briscoe, Brooks, Brown, Carter, Chambers, Clarke, Crawford, Dail, Daniel, Davis, of Charles, Dennis, Dent, Duvall, Gale, Greene, Harwood, Hatch, Hebb, Henkle, Horsey, Johnson, Jones, of Cecil, Jones, of Somerset, Lansdale, Larsh, Mace, Marbury, Negley, Noble, Parran, Peter, Ridgely, Sands, Schley, Schlosser, Smith, of Dorchester, Thomas, Turner, Valliant, Wickard, Wilmer—48.

There being no quorum present,

On motion of Mr. Edelen,

The Convention adjourned.

FRIDAY, August 12th, 1864.

The Convention met at 10 o'clock, A. M.

Prayer by the Rev. Mr. McNemar.

All the members present except the following :

Messrs. Baker, Barron, Belt, Berry, of Baltimore county, Blackiston, Briscoe, Chambers, Clarke, Crawford, Dail,

Daniel, Dent, Duvall, Gale, Greene, Hebb, Henkle, Horsey, Johnson, Lansdale, Larsh, Marbury, Negley, Noble, Parran, Peter, Schley, Schlosser, Smith, of Carroll—29.

The proceedings of yesterday were read and approved.

On motion of Mr. Swope,

It was ordered to be entered on the Journal, that Mr. Smith, of Carroll, is absent from his seat on account of urgent business.

Mr. Hollyday was excused from attending the sessions of the Convention for a few days.

The Convention proceeded to the consideration of the Report of the Committee on the Elective Franchise ;

The question being on the adoption of section one, as amended by Mr. Scott ;

Mr. Berry, of Prince George's, demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|------------------|-----------------|
| Messrs. | Hopkins, | Robinette, |
| Goldsborough, P't | Hopper, | Russell, |
| Abbott, | Jones, of Cecil, | Sands, |
| Annan, | Keefer, | Scott, |
| Audoun, | Kennard, | Smith, of Wor., |
| Carter, | King, | Sneary, |
| Cunningham, | Markey, | Stockbridge, |
| Cushing, | Mayhugh, | Swope, |
| Davis, of Wash., | McComas, | Sykes, |
| Dellinger, | Mullikin, | Thomas, |
| Earle, | Murray, | Thruston, |
| Ecker, | Nyman, | Todd, |
| Farrow, | Parker, | Valliant, |
| Galloway, | Pugh, | Wickard, |
| Hatch, | Purnell, | Wooden—46. |
| Hoffman, | Ridgely, | |

NEGATIVE.

| | | |
|--------------------|-----------|-----------------|
| Messrs. | Edelen, | Mitchell, |
| Berry, of P. Geo., | Harwood, | Miller, |
| Billingsley, | Hodson, | Morgan, |
| Bond, | Hollyday, | Smith, of Dor., |

| | | |
|--------------------|-----------------|------------|
| Brown, | Jones, of Som., | Turner, |
| Davis, of Charles, | Lee, | Wilmer—18. |
| Dennis, | | |

So the question upon its adoption was decided in the affirmative.

Mr. Scott submitted the following amendment :

Section 5. Strike out all after the word “be,” in the fifth line, and insert :

“That I will be faithful and support the Constitution and Laws of Maryland, and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of ———, and that since the adoption of the present Constitution I have not in any manner violated the provisions thereof in relation to bribery of voters or preventing legal or procuring illegal votes to be given, (and if a Governor, Senator, Member of the House of Delegates or Judge,) that I will not directly or indirectly receive the profits or any part of the profits of any other office during the time of my acting as ———, and that I owe paramount allegiance to the Constitution and Government of the United States, any law or ordinance of the General Assembly or State Convention of Maryland, to the contrary notwithstanding ; that I will defend the said Constitution and Government of the United States to the last extremity, against every enemy, and that since the commencement of the civil war and rebellion, I have never in any manner, either directly or indirectly by word or deed, given aid or encouragement to those in rebellion against the United States, that I have never sympathised with them, nor desired their success, but have uniformly and at all times denounced them not only as rebels against and traitors to their country, but as enemies of the human race.”

Mr. Stirling submitted the following amendment to the amendment :

Strike out all after the word “that,” in first line of amendment, and insert :

“That I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of ——— according to the Constitution and Laws of this State, and that since ——— I have not in any manner violated the provisions of the present, or of the late Constitution, in relation to the bribery of voters, or preventing legal votes or procuring illegal votes to be given, (and if a Governor, Senator,

Member of the House of Delegates, or Judge,) that I will not directly or indirectly receive the profits or any part of the profits of any other office during the term of my acting as _____; I do further swear or affirm that I will bear true allegiance to the State of Maryland, and support the Constitution and Laws thereof, and that I will bear true allegiance to the United States, and support, protect and defend the Constitution, Laws and Government thereof, as the supreme law of the land, any law or ordinance of this or any State to the contrary notwithstanding; that I have never directly or indirectly by word, act or deed given any aid, comfort or encouragement to those in rebellion against the United States or the lawful authorities thereof, but that I have been truly and loyally on the side of the United States against those in armed rebellion against the United States; and I do further swear or affirm that I will, to the best of my abilities, protect and defend the Union of the United States, and not allow the same to be broken up and dissolved, or the Government thereof to be destroyed under any circumstances if in my power to prevent it, and that I will at all times discountenance and oppose all political combinations having for their object such dissolution or desecration.”

The question being on the adoption of the amendment to the amendment,

On motion of Mr. Sands,

The further consideration of the 5th section was informally passed over.

Mr. Stirling gave notice that when the section was again considered, he would submit the following amendment:

Amend section 5 by adding at the end:

“And every person holding any office of trust or profit under the late Constitution who shall be continued in office under this Constitution, shall, within thirty days after this Constitution shall have gone into effect, take and subscribe the oath or affirmation above set forth, and if any such person shall fail so to do, his office shall be ipso facto vacant.”

Mr. Stockbridge gave notice that when the section was again considered, he would submit the following amendment:

Sec. 5, amend by inserting after “given,” in line fourteen:

“Nor have been guilty of voting illegally, nor concurred in any fraud, force, surprise or bribery, nor has any other person with my privity, consent or procurement, been guilty of or

accessory to any illegal voting or fraud, force, surprise or bribery in procuring my own or any other nomination or election to any office."

Mr. Stockbridge submitted the following amendment :

Strike out the word "that," in the first line.

Decided in the affirmative.

Mr. Cushing submitted the following amendment :

Sec. 6, strike out all to the word "no," in the fourth line.

Mr. Stirling submitted the following amendment to the amendment:

Insert after the word "Executive," in the second line, the words:

"Or unless he shall be on account of reformation restored to the right of franchise by an act of the General Assembly passed by a vote of two-thirds of the members elected to each House;"

Decided in the negative.

Mr. Stirling submitted the following amendment to the amendment:

Strike out from the word "unless," in the second line, to the word "shall," in the third line, and insert the words "he shall be restored to the rights of franchise by the General Assembly by a vote of two-thirds of the members elected to each House;"

Decided in the negative.

Mr. Edelin submitted the following amendment to the amendment:

Insert after the word "crime," in the second line, "or of any crime punishable by the Constitution and Laws of this State or of the United States, with confinement in the Penitentiary:"

Mr. Thomas submitted the following amendment to the amendment:

Insert after the word "years," in the first line, the words "who shall have been a second time ;"

Decided in the negative.

The question recurring upon the amendment submitted by Mr. Edelin ;

It was decided in the negative.

Mr. Sands submitted the following amendment to the amendment :

Amend by striking out all after the word "crime," in the second line, and insert "shall thereafter be entitled to vote at any election in this State, unless he shall produce to the Judges of the election at which he shall offer to vote, a certificate signed by six or more lawful voters, that since his discharge from the Penitentiary, he has demeaned himself as a sober, honest, and law-abiding citizen ; and no lunatic or person non compos mentis shall be entitled to vote ;"

Decided in the negative.

Mr. Todd submitted the following amendment to the amendment:

Insert after "Executive," in third line, "or unless he be restored to right of franchise by act of the General Assembly ;"

Decided in the negative.

The question recurring upon the adoption of the amendment submitted by Mr. Cushing ;

It was decided in the negative.

Mr. Thruston submitted the following amendment :

Strike out the words "person under guardianship as a," in the fourth line, and the words "as a," in the fifth line.

Decided in the affirmative.

Mr. Ridgely submitted the following amendment :

Strike out the section as amended and insert :

"No person above twenty-one years of age convicted of any infamous crime, shall be entitled to vote, until two years shall have elapsed after his discharge from punishment, unless pardoned by the Executive, and no lunatic, or person non compos mentis, under guardianship, shall be entitled to vote ;"

Mr. Sands submitted the following amendment to the amendment :

Strike out the words "unless pardoned by the Executive ;"

Mr. Thurston called the previous question ;

The question being,

“Shall the main question be now put?”

It was decided in the affirmative.

The question then being on the amendment submitted by Mr. Sands,

It was decided in the negative.

The question next being on the adoption of the amendment submitted by Mr. Ridgely,

Mr. Sands demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-----------|------------------|-----------------|
| Messrs. | Hopper, | Sands, |
| Bond, | Jones, of Cecil, | Scott, |
| Brown, | King, | Smith, of Wor., |
| Earle, | Lee, | Stockbridge, |
| Farrow, | Mace, | Swope, |
| Galloway, | Pugh, | Thomas, |
| Hatch, | Purnell, | Wilmer—22. |
| Hoffman, | Ridgely, | |

NEGATIVE.

| | | |
|--------------------|----------------|-----------------|
| Messrs. | Harwood, | Nyman, |
| Goldsborough, P't | Hopkins, | Parker, |
| Abbott, | Jones, of Som. | Robinette, |
| Annan, | Keefer, | Russell, |
| Audoun, | Kennard, | Smith, of Dor., |
| Berry, of P. G., | Markey, | Sneary, |
| Billingsley, | Mayhugh, | Stirling, |
| Brooks, | McComas, | Sykes, |
| Carter, | Mitchell, | Thruston, |
| Davis, of Charles, | Miller, | Todd, |
| Davis, of Wash., | Morgan, | Valliant, |
| Dennis, | Mullikin, | Wickard, |
| Ecker, | Murray, | Wooden—39. |
| Edelen, | | |

So the question upon its adoption was decided in the negative.

The question then recurring upon the adoption of the section as amended by Mr. Thruston,

It was decided in the affirmative.

Mr. Miller submitted the following amendment:

Sec. 7. No person in the Military or Naval service of the United States shall be considered as having acquired a residence to vote because he has been employed at any barracks, forts, or naval station in this State, without the intention of becoming a citizen thereof, and no citizen shall be deemed to have lost his residence by reason of his absence while employed in the service of this State or the United States, or while engaged in navigating the waters thereof, or the high seas.

Mr. Berry, of Prince George's, moved to informally pass over the consideration of the amendment;

Decided in the negative.

The question being on the adoption of the amendment.

Mr. Berry, of Prince George's, demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows:

AFFIRMATIVE.

| | | |
|--------------------|-----------------|-----------------|
| Messrs. | Dennis, | Mitchell, |
| Berry, of P. Geo., | Edelen, | Miller, |
| Billingsley, | Harwood, | Morgan, |
| Bond, | Hollyday, | Smith, of Dor., |
| Brown, | Jones, of Som., | Turner, |
| Davis, of Charles, | Lee, | Wilmer—17. |

NEGATIVE.

| | | |
|-------------------|-----------|-----------------|
| Messrs. | Hoffman, | Ridgely, |
| Goldsborough, P't | Hopkins, | Robinette, |
| Abbott, | Hopper, | Russell, |
| Annan, | Keefer, | Sands, |
| Audoun, | Kennard, | Smith, of Wor., |
| Brooks, | King, | Stirling, |
| Carter, | Markey, | Stockbridge, |
| Cunningham, | Mayhugh, | Swope, |
| Davis, of Wash., | McComas, | Sykes, |
| Dellinger, | Mullikin, | Thomas, |
| Earle, | Murray, | Todd, |
| Ecker, | Nyman, | Valliant, |
| Farrow, | Parker, | Wickard, |
| Galloway, | Pugh, | Wooden—43. |
| Hatch, | Purnell, | |

So the question upon its adoption was decided in the negative.

Mr. Stockbridge moved that the Convention proceed to the consideration of the Report of the Committee on the Judiciary Department;

Decided in the negative.

On motion of Mr. Stockbridge,

The Convention proceeded to the consideration of the Report of the Committee on the Executive Department.

Mr. Sands submitted the following amendment :

Sec. 2, strike out the words, in the second and third lines, "Tuesday next after the first Monday of November, in the year eighteen hundred and sixty-four;"

Decided in the negative.

Mr. Miller submitted the following amendment :

Strike out the section, and insert the section contained in the Report of the Minority.

The question being on the adoption of the amendment ;

Mr. Berry, of Prince George's, demanded the yeas and nays ;

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|--------------------|-----------------|----------------|
| Messrs. | Harwood, | Ridgely, |
| Berry, of P. Geo. | Hollyday, | Smith, of Dor. |
| Billingsley, | Jones, of Som., | Thomas, |
| Bond, | Lee, | Turner, |
| Davis, of Charles, | Mitchell, | Valliant, |
| Dennis, | Miller, | Wilmer—19. |
| Edelen, | Morgan, | |

NEGATIVE.

| | | |
|-------------------|------------------|-----------------|
| Messrs. | Hoffman, | Purnell, |
| Goldsborough, P't | Hopkins, | Robinette, |
| Abbott, | Hopper, | Russell, |
| Annan, | Jones, of Cecil, | Sands, |
| Brooks, | Keefer, | Scott, |
| Carter, | Kennard, | Smith, of Wor., |
| Cunningham, | King, | Sneary, |

| | | |
|------------------|-----------|--------------|
| Cushing, | Mace, | Stirling, |
| Davis, of Wash., | Markey, | Stockbridge, |
| Dellinger, | Mayhugh, | Swope, |
| Earle, | McComas, | Sykes, |
| Ecker, | Mullikin, | Thruston, |
| Farrow, | Murray, | Todd, |
| Galloway, | Parker, | Wickard, |
| Hatch, | Pugh, | Wooden—44. |

So the question upon its adoption was decided in the negative.

Messrs. Farrow, Galloway, Russell, Hoffman and Cunningham, were excused from attending the sessions of the Convention for a few days.

On motion of Mr. Smith, of Worcester,
The Convention took a recess until 8 o'clock.

EVENING SESSION.

The Convention met at 8 o'clock, P. M.

All the members present except the following :

Messrs. Baker, Barron, Belt, Berry, of Baltimore county, Billingsley, Blackiston, Bond, Briscoe, Brooks, Chambers, Clarke, Crawford, Dail, Daniel, Davis, of Charles, Dennis, Dent, Duvall, Farrow, Gale, Galloway, Green, Harwood, Hatch, Hebb, Henkle, Hoffman, Hollyday, Horsey, Johnson, Jones, of Cecil, Keefer, Lansdale, Larsh, Mace, Marbury, McComas, Morgan, Mullikin, Negley, Noble, Parran, Peter, Russell, Schley, Schlosser, Smith, of Carroll, Smith, of Dorchester, Thomas, Turner, Valliant, Wickard, Wilmer, Wooden—54.

There being no quorum present,

On motion of Mr. Miller,
The Convention adjourned.

SATURDAY, August 13th, 1864.

The Convention met at 10 o'clock, A. M.

Prayer by the Rev. Mr. Owen.

All the members present except the following :

Messrs. Annan, Baker, Barron, Belt, Berry, of Baltimore county, Billingsley, Blackiston, Bond, Briscoe, Brown, Chambers, Clarke, Crawford, Cunningham, Dail, Davis, of Charles, Dennis, Dent, Duvall, Farrow, Gale, Galloway, Greene, Hebb, Henkle, Hoffman, Hollyday, Horsey, Johnson, Jones, of Cecil, Jones, of Somerset, Lansdale, Larsh, Mace, Marbury, Mayhugh, Mitchell, Morgan, Negley, Noble, Parran, Peter, Russell, Schley, Schlosser, Smith, of Carroll, Stockbridge, Turner, Wilmer, Wooden—50.

There being no quorum present,

Mr. Miller moved a call of the Convention ;

The call being sustained,

The roll was called, and the following members responded :

Messrs. Goldsborough, (President,) Audoun, Berry, of Prince George's, Brooks, Carter, Cushing, Daniel, Davis, of Washington, Dellinger, Earle, Ecker, Edelen, Harwood, Hatch, Hodson, Hopkins, Hopper, Keefer, Kennard, King, Lee, Markey, McComas, Miller, Mullikin, Murray, Nyman, Parker, Pugh, Purnell, Ridgely, Robinette, Sands, Scott, Smith, of Dorchester, Smith, of Worcester, Sneary, Stirling, Swope, Sykes, Thomas, Thruston, Todd, Valliant, Wickard, Wooden—46.

On motion of Mr. Thomas,

Further proceedings under the call were dispensed with.

Mr. Thruston moved that the Convention do now adjourn.

The question being on the adoption of the motion,

Mr. Thomas demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|--------------------|-----------|-----------------|
| Messrs. | Kennard, | Robinette, |
| Audoun, | Lee, | Sands, |
| Berry, of P. Geo., | Markey, | Smith, of Wor., |
| Carter, | Mullikin, | Sneary, |
| Cushing, | Murray, | Stirling, |
| Edelen, | Nyman, | Thruston, |
| Hodson, | Ridgely, | Todd—20. |

NEGATIVE.

| | | |
|-------------------|----------|-----------------|
| Messrs. | Harwood, | Pugh, |
| Goldsborough, P't | Hatch, | Purnell, |
| Abbott, | Hopkins, | Scott, |
| Brooks, | Hopper, | Smith, of Dor., |
| Daniel, | Keefer, | Swope, |
| Davis, of Wash., | King, | Sykes, |
| Dellinger, | McComas, | Thomas, |
| Earle, | Miller, | Valliant, |
| Ecker, | Parker, | Wickard—26. |

So the Convention refused to adjourn.

On motion of Mr. Purnell,

The Convention adjourned until Monday morning, at 10 o'clock.

MONDAY, August 15th, 1864.

The Convention met at 10 o'clock, A. M.

Prayer by the Rev. Mr. McNemar.

All the members present except the following :

Messrs. Annan, Baker, Barron, Belt, Berry, of Baltimore county, Berry, of Prince George's, Blackiston, Briscoe, Brown, Chambers, Cunningham, Dail, Dennis, Dent, Duvall, Farrow, Gale, Galloway, Greene, Harwood, Hatch, Hebb, Henkle, Hoffman, Hollyday, Hopper, Horsey, Johnson, Jones, of Cecil, Jones, of Somerset, Lansdale, Larsh, Mace,

Marbury, Markey, McComas, Morgan, Negley, Noble, Parker, Parran, Peter, Pugh, Ridgely, Russell, Sands, Schley, Sneary, Sykes, Turner, Wilmer, Wooden—52.

No quorum being present,

The Convention informally suspended proceedings until 12½ o'clock, when the roll was again called, and the following members responded:

Messrs. Goldsborough, (President,) Abbott, Annan, Audoun, Billingsley, Bond, Brooks, Brown, Carter, Clarke, Crawford, Cunningham, Cushing, Daniel, Davis, of Charles, Davis, of Washington, Dellinger, Earle, Ecker, Edelen, Galoway, Hodson, Hopkins, Hopper, Jones, of Somerset, Keefer, Kennard, King, Lee, McComas, Mitchell, Miller, Mullikin, Murray, Nyman, Parker, Pugh, Purnell, Robinette, Russell, Sands, Schlosser, Scott, Smith, of Carroll, Smith, of Dorchester, Smith, of Worcester, Stirling, Stockbridge, Swope, Thomas, Thruston, Todd, Valliant, Wickard—54.

A quorum being present,

The proceedings of Friday and Saturday were read and approved.

Mr. Todd submitted a petition from George M. Russell and others, citizens of Caroline county, praying that provision be made for a session of the Court of Appeals at Easton;

Which was read.

On motion of Mr. Audoun,

The said petition was laid on the table.

The resolution submitted by Mr. Purnell, on Thursday last, to wit:

“That this Convention will adjourn sine die on Wednesday, the 31st inst., unless adjourned at an earlier day in consequence of having finished the business for which it was called,”

Was taken up for consideration on its second reading.

Mr. King moved to lay the resolution on the table.

The question being on the adoption of the motion,

Mr. Ecker demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows:

AFFIRMATIVE.

| | | |
|--------------|--------------------|-----------|
| Messrs. | Bond, | Miller, |
| Abbott, | Crawford, | Sands, |
| Audoun, | Davis, of Charles, | Scott—10. |
| Billingsley, | King, | |

NEGATIVE.

| | | |
|-------------------|-----------------|--------------------|
| Messrs. | Hodson, | Purnell, |
| Goldsborough, P't | Hopkins, | Robinette, |
| Annan, | Hopper, | Russell, |
| Brooks, | Jones, of Som., | Schlosser, |
| Brown, | Keefer, | Smith, of Carroll, |
| Carter, | Kennard, | Smith, of Dor., |
| Clarke, | Lee, | Smith, of Wor., |
| Cunningham, | Mayhugh, | Stirling, |
| Cushing, | McComas, | Stockbridge, |
| Daniel, | Mitchell, | Swope, |
| Davis, of Wash., | Mullikin, | Thomas, |
| Dellinger, | Murray, | Thruston, |
| Earle, | Nyman, | Todd, |
| Ecker, | Parker, | Valliant, |
| Edelen, | Pugh, | Wickard—45. |
| Galloway, | | |

So the question upon its adoption was decided in the negative.

The question recurring upon the adoption of the resolution,

It was decided in the affirmative.

Mr. Thomas gave notice that at the proper time he would submit the following amendments to the report of the Committee on the Judiciary Department:

Strike out the 19 section and insert the following:

“Sec. 19. The State shall be divided into nine Judicial Circuits, in manner and form following, to wit: St. Mary’s, Charles and Prince George’s shall be the first; Anne Arundel, Howard, Calvert and Montgomery shall be the second; Frederick and Carroll shall be the third; Washington, and Allegany shall be the fourth; Baltimore city shall be the fifth; Baltimore county shall be the sixth; Harford, Cecil and Kent shall be the seventh; Queen Anne’s, Talbot and Caroline shall be the eighth; Dorchester, Somerset and Worcester shall be the ninth; and there shall be elected as hereinafter directed for each of said Judicial Circuits except the fifth, one person from among those learned in the law, and who shall have

been a citizen of the State at least five years, and above the age of thirty years, at the time of his election, and a resident of the Judicial Circuit, to be Judge thereof, and the said Judges shall be styled Circuit Judges, and shall respectively hold a term of their Courts at least twice in each year, or oftener if required by law, in each county composing their respective Circuits, and said Courts shall be called Circuit Courts for the county in which they may be held, and shall have and exercise in the counties of this State, all the power, authority and jurisdiction, which the Circuit Courts of this State now have and exercise, or which may hereafter be prescribed by law, and the said Judges in their respective Circuits shall have and exercise all the power, authority and jurisdiction of a Court of Chancery."

Strike out the 20th section, and insert the following :

"Sec. 20. The Judges of the several Judicial Circuits shall be citizens of the United States, and shall have resided five years in this State and two years in the Judicial Circuit for which they may be respectively elected, next before the time of their election, and shall reside therein while they continue to act as Judges, they shall be taken from among those who having the other qualifications herein prescribed, are most distinguished for integrity, wisdom and sound legal knowledge; and shall be elected by the qualified voters of the said Circuits, and shall hold their offices for the term of _____ years, removable for misbehavior on conviction in a Court of Law, or by the Governor upon the address of the General Assembly, provided that two-thirds of the members of each House shall concur in such address, and the said Judges (except the fifth Judicial Circuit) shall each receive a salary of three thousand dollars per year, and the same shall not be increased or diminished during the time of their continuance in office, and no Judge of any Court in this State shall receive any perquisite, fee, commission or reward in addition thereto, for the performance of any judicial duty."

Strike out the 21st section, and insert the following:

"Sec. 21. The present Judge of the first Judicial Circuit, and the present Judge of the second Judicial Circuit, and the present Judge of the third Judicial Circuit, and the present Judge of the fourth Judicial Circuit, and the present Judge of the fifth Judicial Circuit, and the present Judge of the ninth Judicial Circuit shall continue to act as Judge of the several Courts of their respective Circuits, until the expiration the time for which they have been severally elected, and until their successor is elected and qualified. The present Judge of the sixth Judicial Circuit shall be the Judge of the seventh

Judicial Circuit, and the present Judge of the seventh Judicial Circuit shall be the Judge of the eighth Judicial Circuit until the expiration of the time for which they have been respectively elected, and until their successors are respectively elected and qualified, and in case of the death, resignation, removal or other disqualification of any of the Judges hereby continued in office, the Governor by and with the advice and consent of the Senate shall thereupon appoint a person duly qualified to fill said office, until the next general election for Delegates thereafter, at which time an election shall be held as hereinbefore prescribed for a Judge, who shall hold said office for _____ years, according to the provisions of this Constitution; there shall also be elected by the legal and qualified voters of the sixth Judicial Circuit on the _____ of _____ 1864, one person to be Judge of said Circuit, who shall possess the same qualifications, exercise the same powers, receive the same salary, and serve for the same term as prescribed for the Judges of the several Circuits."

Strike out the 24th section, and insert the following:

"Section 24. The qualified voters of the city of Baltimore, and of the several counties of the State, shall on Tuesday next after the first Monday in the month of November, 1867, and on the same day in the same month in every fourth year thereafter elect three men to be Judges of the Orphans' Court of said city and counties respectively, one of whom shall have been admitted to practice law in this State for at least five years before his election, and who shall be the Chief Justice of the Orphans' Court, and who shall be citizens of the State of Maryland and citizens of the city or county for which they may be severally elected, at the time of their election, and each of said Judges shall be paid an annual salary of fifteen hundred dollars, except the Chief Justice, who shall receive an annual salary of two thousand dollars, and which shall be paid by the said counties and city respectively."

Strike out the 27th section, and insert the following:

"Sec. 27. There shall be in the fifth Judicial District, four Courts to be styled the Superior Court of Baltimore city, the Equity Court of Baltimore city, the Court of Common Pleas of Baltimore city, and the Criminal Court of Baltimore city; each Court to consist of one Judge, who shall be elected by the legal and qualified voters of said city, and shall hold his office for the term of ten years, subject to the provisions of this Constitution, with regard to the election and qualification of Judges and their removal from office, and the salary

of each of said Judges shall be three thousand five hundred dollars per annum, payable quarterly.”

Strike out the 28th section and insert :

“Sec. 28. The Superior Court of Baltimore city, shall have jurisdiction over all suits where the debt or damage claimed shall exceed the sum of five hundred dollars, and in case any plaintiff or plaintiffs shall recover less than the sum or value of five hundred dollars, he or they shall be allowed or adjudged to pay costs in the discretion of the Court. The said Court shall also have jurisdiction in all other civil cases, which are not assigned to the Court of Common Pleas and the Equity Court of Baltimore city.”

Strike out sec. 29, and insert the following :

“Sec. 29. The Court of Common Pleas shall have civil jurisdiction in all suits where the debt or damage claimed shall be over one hundred dollars, and shall not exceed five hundred dollars, and shall also have original jurisdiction in actions of replevin—where the thing replevied does not exceed five hundred dollars in value, and shall also have jurisdiction in all cases of appeal in civil cases from the judgment of Justices of the Peace in the said city, and shall have jurisdiction in all applications for the benefit of the insolvent laws of this State, and the supervision and control of the trustees thereof.”

Strike out the 30th section and insert the following :

“The Equity Court of Baltimore city, shall have exclusive jurisdiction as a Court of Equity, within the limits of the said city, and shall not have jurisdiction in applications for the writ of habeas corpus.”

Strike out section 31, and insert the following :

“Sec. 31. The Criminal Court of Baltimore city, shall have jurisdiction of all crimes and offences committed in said city, and shall exercise all the jurisdiction now exercised by the Criminal Court of said city, and shall have jurisdiction in all cases of appeals from Justices of the Peace for the recovery of fines, penalties, and forfeitures, and such other jurisdiction as the Legislature may from time to time prescribe.”

Strike out section 32, and insert the following :

“Sec. 32. There shall be a Clerk of the Superior Court of Baltimore city, and a Clerk of the Equity Court of Baltimore city, and a Clerk of the Court of Common Pleas of Baltimore city, and a Clerk of the Criminal Court of Baltimore

city, and each of the said Clerks shall be elected by the legal and qualified voters of said city, and shall hold his office for six years from the first day of January succeeding his election, and until his successor is elected and qualified, and be re-eligible thereto, subject to be removed for wilful neglect of duty or other misdemeanor in office on conviction in a Court of Law. In case of a vacancy in the office of a Clerk of any of said Courts the Judge of the Court, of which he was Clerk, shall have the power to appoint a Clerk until the general election of Delegates held next thereafter, when a Clerk shall be elected for the residue of the term thus made vacant."

Strike out section 33, and insert :

"Sec. 33. That Clerk of the Court of Common Pleas, shall have authority to issue within said city, all marriage and other licences required by law, subject to such provisions as the Legislature have now or may hereafter prescribe, and the Clerk of the Superior Court of said city shall have the custody of all deeds, conveyances and other papers now remaining in the office of said Court, and shall hereafter receive and record all deeds, conveyances and other papers which are required by law to be recorded in said city. He shall also have custody of all other papers connected with the proceedings on the Law or Equity side of Baltimore County Court, and of the dockets thereof so far as the same have relation to the city of Baltimore."

Strike out section 34, and insert the following :

"Sec. 34. The present Clerk of the Superior Court, and of the Court of Common Pleas, and of the Criminal Court, shall continue to act as Clerks of said Courts respectively, for the time which they were severally elected, and in case of the death, resignation or disqualification of either of said Clerks before the expiration of the time for which they were elected, the Judge of the Court, where such death, resignation or disqualification may occur, shall have the power to appoint a Clerk as provided by the 33rd section of this Article. The Clerk of the present Circuit Court of Baltimore city, shall continue to act as Clerk of the Equity Court of Baltimore city, until the first election for members of the General Assembly, when a Clerk of said Equity Court shall be elected, in accordance with the provisions of this Constitution."

Strike out section 35, and insert the following :

"Sec. 35. All the cases and proceedings pending and undisposed of, on the Equity side of the Superior Court, shall

after the adoption of this Constitution, be transmitted by the Clerk of the Superior Court to the Clerk of the Equity Court of said city, under such regulations as the Judge of said Superior Court may deem necessary and proper.”

Mr. Audoun gave notice that at the proper time he would submit the following amendment to the report of the Committee on the Judiciary Department :

Substitute for section 37;

“The General Assembly at its first session after the adoption of this Constitution, shall fix the number of Justices of the Peace and Constables for each ward of the City of Baltimore, and for each election district in the several counties, who shall be elected by the legal and qualified voters thereof respectively at the next general election for delegates thereafter, and shall hold their offices for two years from the time of their election, and until their successors in office are elected and qualified; and the General Assembly may, from time to time, increase or diminish the number of Justices of the Peace and Constables to be elected in the several wards and election districts, as the wants and interests of the people may require. They shall be, by virtue of their offices, conservators of the peace in the said counties and city respectively, and shall have such duties and compensation as now exist, or may be provided for by law. In the event of a vacancy in the office of a Justice of the Peace, the Governor shall appoint a person to serve as Justice of the Peace, until the next regular election of said officers, and in case of a vacancy in the office of Constable, the County Commissioners of the county in which a vacancy may occur, or the Mayor and City Council of Baltimore, as the case may be, shall appoint a person to serve as Constable until the next regular election thereafter for said officers. An appeal shall lie in all civil cases from the judgment of a Justice of the Peace to the Circuit Court, or to the Court of Common Pleas of Baltimore city, as the case may be, and on all such appeals, either party shall be entitled to a trial by Jury, according to the laws now existing, or which may be hereafter enacted. And the Mayor and City Council of Baltimore shall have the exclusive power to create organize and govern such Police force for the good government of said City as they may deem necessary;”

Substitute for section 38 ;

“There shall be elected in each County and in the City of Baltimore, every second year, two persons for the office of Sheriff for each county, and two for the said city, the one of whom

having the highest number of votes of the qualified voters of said county or city, or if both have an equal number, either of them, at the discretion of the Governor to be commissioned by the Governor for said office, and, having served for two years, such persons shall be ineligible for the two years next succeeding ; bond with security, to be taken every year, and no Sheriff shall be qualified to act before the same be given. In case of death, refusal, disqualification or removal out of the county, before the expiration of the said two years, the other person chosen as aforesaid, shall be commissioned by the Governor to execute the said office for the residue of the said two years, the said person giving bond with security as aforesaid. No person shall be eligible to the office of Sheriff but a resident of such county or city respectively, who shall have been a citizen of this State at least five years preceeding his election, and above the age of twenty-one years. The two candidates, properly qualified, having the highest number of legal ballots, shall be declared duly elected for the office of Sheriff for such county or city, and returned to the Governor, with a certificate of the number of ballots for each of them ;”

Mr. Daniel gave notice that at the proper time he would submit the following amendment to part 5 of the report of the Committee on the Judiciary Department, relating to the Courts of Baltimore city, being from section 27 to section 36, inclusive :

COURTS OF BALTIMORE CITY.

Sec. —. There shall be in the Eighth Judicial Circuit three Courts, to be styled the Superior Court of Baltimore city, the Court of Common Pleas of Baltimore city and the Criminal Court of Baltimore city ; the said Superior Court shall consist of three Judges ; and the said Court of Common Pleas and Criminal Court of one Judge each, all of whom shall be appointed in the same manner, hold their offices for the same time, and have the same general powers and duties as are herein prescribed for other Judges of Courts of Record in this State.

Sec. —. The Superior Court of Baltimore city shall have jurisdiction over all suits where the debt or damage claimed shall exceed the sum of one thousand dollars, and in case any plaintiff or plaintiffs shall recover less than the sum or value of one thousand dollars, he or they shall be allowed or adjudged to pay costs in the discretion of the Court. The said court shall also have jurisdiction as a Court of Equity within the limits of the said city over all suits and matters over

which the present Superior and Circuit Courts now exercise jurisdiction, and in all cases pending in the present Superior Court at the time of the adoption of this Constitution, where the debt or damage claimed shall exceed the sum of five hundred dollars, but shall not exceed the sum of one thousand, and in all other civil cases not herein after assigned to the Court of Common Pleas, subject to such modifications as may be made by law, and the Judges shall so apportion and distribute the business of their Court as shall best facilitate the despatch thereof and promote the ends of justice.

Sec. —. Either of the Judges of the said Superior Court may sit alone for the disposition of all formal and uncontested business as well as such contested business as the parties litigant shall consent to try before a single Judge; but it shall be the right of any party to any contested cause pending in said Court, or that shall be pending in either the present Superior or Circuit Courts of said city, at the time of the adoption of this Constitution, under such rules and regulations as the Court may prescribe, to require the presence of at least two of the Judges of said Court at the trial thereof. No order for an injunction or the appointment of a receiver shall be passed without the concurrence of at least two of the Judges therein.

Sec. —. One of the Judges of said Superior Court shall sit as Chief Judge of the Orphans' Court of Baltimore city.

Sec. —. The Court of Common Pleas of Baltimore city shall have jurisdiction in all suits where the debt or damage claimed shall exceed the sum of one hundred dollars, and shall not exceed the sum of one thousand dollars, and are not already pending in the Superior Court of Baltimore city; and shall also have jurisdiction in all cases of appeal from the judgment of Justices of the Peace in the said city, and shall have jurisdiction in all applications for the benefit of the insolvent laws of the State, and the supervision and control of the trustees thereof, or such other jurisdiction as may be prescribed by law.

Sec. —. The Criminal Court of Baltimore city shall have all the jurisdiction now exercised by the present Criminal Court of said city, or such as may hereafter be prescribed by law.

Sec. —. Each of the Judges of the said Superior Court, and the Judge of the Court of Common Pleas and Criminal Court, shall receive an annual salary of thirty-five hundred dollars, which shall not be increased or diminished during their continuance in office.

Sec. —. There shall be a Clerk of each of the said Superior, Common Pleas and Criminal Courts, who shall be elected by the qualified voters of the city of Baltimore, hold their respective offices for the term of six years, and until a new election is held, and their successors duly qualified, and be re-eligible thereto, but removable for willful neglect of duty, or other misdemeanor in office, on conviction in a Court of Law, or for such other causes as may be prescribed by law.

Sec. —. The Clerk of the present Superior Court shall continue to act as Clerk of the Superior Court, as herein constituted, until the end of the time for which he was elected; and the Clerks of the present Court of Common Pleas and Criminal Court shall continue to act as Clerks of said Courts respectively until the end of the time for which they were elected, and to exercise and perform the same powers and duties as they now exercise and perform, or such as may be prescribed by law.

Mr. Scott gave notice that at the proper time he would submit the following amendment to the report of the Committee on the Judiciary Department:

“The Judges of the Court of Appeals shall be elected by the people of the State, by general ticket; the Court of Appeals shall appoint the Judges of the Circuit Courts, and the Circuit Courts shall appoint the Justices of the Peace in their respective Circuits.”

The Convention then proceeded to the consideration of the report of the Committee on the Executive Department.

Mr. Valliant submitted the following amendment:

Section 5, line 2, strike out the word “five,” and insert the word “ten;”

Decided in the negative.

Mr. Abbott submitted the following amendment:

Section 5, line 2, strike out the words “been for five years,” and insert the words “being a native born;”

The question being on the adoption of the amendment,

Mr. Sands demanded the yeas and nays;

The demand being sustained,

The yeas and nays were called, and appeared as follows:

AFFIRMATIVE.

Messrs. Abbott,

Bond,

King—3.

NEGATIVE.

| | | |
|--------------------|-----------------|--------------------|
| Messrs. | Ecker, | Purnell, |
| Goldsborough, P't | Edelen, | Robinette, |
| Annan, | Galloway, | Russell, |
| Audoun, | Hopkins, | Sands, |
| Berry, of P. Geo., | Hopper, | Schlosser, |
| Billingsley, | Jones, of Som., | Scott, |
| Brooks, | Keefer, | Smith, of Carroll, |
| Brown, | Kennard, | Smith, of Dor., |
| Carter, | Lee, | Smith, of Wor., |
| Clarke, | Mayhugh, | Stirling, |
| Crawford, | McComas, | Stockbridge, |
| Cunningham, | Mitchell, | Swope, |
| Cushing, | Miller, | Thomas, |
| Daniel, | Mullikin, | Thruston, |
| Davis, of Charles, | Murray, | Todd, |
| Davis, of Wash., | Nyman, | Valliant, |
| Dellinger, | Parker, | Wickard—51. |
| Earle, | Pugh, | |

So the question upon its adoption was decided in the negative.

Mr. Smith, of Carroll, submitted the following amendment:

Strike out section 6 ;

The question being on the adoption of the amendment,

Mr. Stirling demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|--------------------|--------------------|--------------------|
| Messrs. | Davis, of Charles, | Mitchell, |
| Berry, of P. Geo., | Ecker, | Miller, |
| Billingsley, | Edelen, | Robinette, |
| Bond, | Hodson, | Smith, of Carroll, |
| Brown, | Jones, of Som. | Smith, of Dor. |
| Clarke, | King, | Swope, |
| Crawford, | Lee, | Thomas—20. |

NEGATIVE.

| | | |
|-------------------|-----------|------------|
| Messrs. | Galloway, | Purnell, |
| Goldsborough, P't | Hopkins, | Russell, |
| Abbott, | Hopper, | Sands, |
| Annan, | Keefer, | Schlosser, |

| | | |
|------------------|-----------|-----------------|
| Audoun, | Kennard, | Scott, |
| Brooks, | Mayhugh, | Smith, of Wor., |
| Carter, | McComas, | Stirling, |
| Cunningham, | Mullikin, | Stockbridge, |
| Cushing, | Murray, | Thruston, |
| Daniel, | Nyman, | Todd, |
| Davis, of Wash., | Parker, | Valliant, |
| Dellinger, | Pugh, | Wickard—36. |
| Earle, | | |

So the question upon its adoption was decided in the negative.

Mr. Sands submitted the following amendment:

Amend section 7, by adding “and shall perform such other duties as are now performed by the Secretary of State of the State of Maryland, and shall therefor receive such compensation as has heretofore been paid the Secretary of State;”

Decided in the negative.

Mr. Davis, of Charles, submitted the following amendment:

Strike out section 7 ;

Decided in the negative.

Mr. Berry, of Prince George’s submitted the following amendment:

Sec. 11, line 4, strike out the word “not ;”

Decided in the negative.

Mr. Scott submitted the following amendment :

Sec. 11. Strike out all after the word “laws” in the fourth line;

The question being on the adoption of the amendment,

Mr. Stirling demanded the yeas and nays;

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|-----------------|-----------------|
| Messrs. | Davis, of Wash. | Pugh, |
| Berry, of P. Geo. | Earle, | Scott, |
| Billingsley, | Hodson, | Smith, of Dor., |
| Bond, | King, | Stirling, |

Clarke,
Crawford,
Davis, of Charles,

Miller,
Parker,

Stockbridge,
Swope—18.

NEGATIVE.

| | | |
|-------------------|----------------|--------------------|
| Messrs. | Galloway, | Purnell, |
| Goldsborough, P't | Hopkins, | Robinette, |
| Abbott, | Hopper, | Russell, |
| Annan, | Jones, of Som. | Sands, |
| Audoun, | Keefer, | Schlosser, |
| Brooks, | Kennard, | Smith, of Carroll, |
| Brown, | Lee, | Smith, of Wor. |
| Carter, | Mayhugh, | Thomas, |
| Cunningham, | McComas, | Thruston, |
| Cushing, | Mitchell, | Todd, |
| Daniel, | Mullikin, | Valliant, |
| Dellinger, | Murray, | Wickard, |
| Ecker, | Nyman, | Wooden—38. |
| Edelen, | | |

So the question upon its adoption was decided in the negative.

Mr. Stirling submitted the following amendment:

Sec. 11. Strike out all after the word "command," in the fourth line, and insert the words "of the militia when called in the service of the United States;"

Decided in the negative.

Mr. Berry, of Prince George's, submitted the following amendment:

Strike out all after the word "laws," in the fourth line, and insert:

"And shall command in person the militia of the State, when in active service of the State or of the United States;"

Mr. Thruston called the previous question,

The question being,

"Shall the main question be now put?"

It was decided in the affirmative.

The question being on the adoption of the amendment submitted by Mr. Berry, of Prince George's,

It was decided in the negative.

The question recurring upon the adoption of section 11,

It was decided in the affirmative.

On motion of Mr. Stockbridge,

The Convention returned to the consideration of section eight.

Mr. Stockbridge submitted the following amendment:

Sec. 8. Amend by adding, "and for any vacancy in said office not herein provided for, provision may be made by law, and if such vacancy should occur without such provision being made, the General Assembly shall be convened by the Secretary of State for the purpose of filling said vacancy;"

Decided in the affirmative.

On motion of Mr. Thomas,

The Convention then returned to the consideration of section 9.

Mr. Thomas submitted the following amendment:

Sec. 9. Strike out the word "Government," in the first line, and insert the words "office of the Governor;"

Decided in the affirmative.

Mr. Stockbridge was excused from attending the evening session of the Convention this evening.

Mr. Valliant was excused from attending the sessions of the Convention for a few days.

On motion of Mr. Jones, of Somerset,

The Convention took a recess until 8 o'clock.

EVENING SESSION.

The Convention met at 8 o'clock, P. M.

All the members present except the following:

Messrs. Audoun, Baker, Barron, Belt, Berry, of Baltimore county, Berry, of Prince George's, Blackiston, Bond, Briscoe,

Brooks, Chambers, Clarke, Crawford, Dail, Davis, of Charles, Dennis, Dent, Duvall, Farrow, Gale, Greene, Harwood, Hatch, Hebb, Henkle, Hodson, Hoffman, Hollyday, Hopkins, Horsey, Johnson, Jones, of Cecil, Lansdale, Larsh, Mace, Negley, Noble, Parran, Peter, Ridgely, Schley, Smith, of Dorchester, Sneary, Stockbridge, Sykes, Thomas, Turner, Valliant, Wickard, Wilmer—50.

There being no quorum present,

On motion of Mr. Stirling,

The Convention adjourned.

TUESDAY, August 16th, 1864.

The Convention met at 10 o'clock, A. M.

Prayer by the Rev. Mr. Owen.

All the members present except the following :

Messrs. Baker, Barron, Berry, of Baltimore county, Berry, of Prince George's, Blackiston, Briscoe, Clarke, Dail, Duvall, Farrow, Greene, Hebb, Henkle, Hollyday, Horsey, Johnson, Jones, of Cecil, Lansdale, Larsh, Noble, Schley, Sneary, Stockbridge, Valliant, Wilmer—25.

The proceedings of yesterday were read and approved.

Mr. Marbury submitted the following preamble and resolution :

WHEREAS, The citizens of the State of Maryland have been drafted until the draft has reached the home of nearly every able-bodied man in the State ; and whereas the slave counties of the State have almost been depopulated of their whole laboring force ; and whereas the slaves who have been enticed or voluntarily gone off from this State, and entered the service of the United States, have nearly all of them been accredited to other States, contrary to the laws of the land, and in violation of every principle of justice and right ; and whereas, the upper counties of this State have been so entirely laid waste and so depleted of their population that they

have scarcely men enough left to protect and support the helpless women and children who are entitled to their care ;
Therefore,

Resolved, That the members of this Convention deem it a duty they owe their constituents, to appoint and do hereby authorize the President of this Convention to appoint a committee of five, of whom he (the President) shall be one, to wait on the proper authorities at Washington, explain the condition of our people, request and urge that they be relieved of all further draft during the war.

Which was read the first time.

Mr. Ecker submitted the following order :

Ordered, That it be entered upon the Journal that the members of this Convention who have been in almost constant attendance since its commencement, are hereby declared not responsible for the many delays and waste of time in its deliberations ; and in order to show where the responsibility for such delay properly belongs, the Clerk is required to have published, daily, a list of those members who do not attend the evening sessions.

The question being on the adoption of the order,

Mr. Ecker demanded the yeas and nays ;

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|-----------|--------------------|
| Messrs. | Ecker, | Pugh, |
| Goldsborough, P't | Galloway, | Purnell, |
| Abbott, | Hoffman, | Russell, |
| Annan, | Hopkins, | Sands, |
| Brown, | Hopper, | Scott, |
| Carter, | Keefer, | Smith, of Carroll, |
| Cunningham, | King, | Smith, of Wor., |
| Cushing, | McComas, | Stirling, |
| Daniel, | Mullikin, | Swope, |
| Davis, of Wash., | Murray, | Thruston, |
| Dennis, | Negley, | Todd, |
| Earle, | Parker, | Wooden—35. |

NEGATIVE.

| | | |
|---------|-----------------|---------|
| Messrs. | Hatch, | Morgan, |
| Audoun, | Hodson, | Parran, |
| Belt, | Jones, of Som., | Peter, |

| | | |
|--------------------|-----------|-----------------|
| Billingsley, | Kennard, | Ridgely, |
| Bond, | Lee, | Robinette, |
| Brooks, | Mace, | Schlosser, |
| Crawford, | Marbury, | Smith, of Dor., |
| Davis, of Charles, | Markey, | Sykes, |
| Dellinger, | Mayhugh, | Thomas, |
| Edelen, | Mitchell, | Turner, |
| Gale, | Miller, | Wickard—33. |
| Harwood, | | |

So the question upon its adoption was decided in the affirmative.

Mr. Mullikin submitted the following order :

Ordered, That any member of this Convention who shall absent himself from said Convention without the consent of a majority of the members present, shall not receive his per diem for the time he is absent.

The question being on the adoption of the order,

Mr. Mullikin demanded the yeas and nays ;

The demand being sustained,

The yeas and nays were called, and appeared as follows:

AFFIRMATIVE.

| | | |
|-------------------|-----------|--------------------|
| Messrs. | Hoffman, | Robinette, |
| Goldsborough, P't | Keefer, | Russell, |
| Abbott, | Mayhugh, | Sands, |
| Annan, | McComas, | Scott, |
| Cunningham, | Mullikin, | Smith, of Carroll, |
| Daniel, | Murray, | Smith, of Wor., |
| Davis, of Wash., | Nyman, | Stirling, |
| Dellinger, | Parker, | Swope, |
| Earle, | Pugh, | Thruston, |
| Ecker, | Purnell, | Wickard—30. |
| Galloway, | | |

NEGATIVE.

| | | |
|--------------|-----------------|-----------------|
| Messrs. | Harwood, | Miller, |
| Audoun, | Hatch, | Morgan, |
| Belt, | Hodson, | Negley, |
| Billingsley, | Hopkins, | Parran, |
| Bond, | Hopper, | Peter, |
| Brooks, | Jones, of Som., | Ridgely, |
| Brown, | Kennard, | Schlosser, |
| Carter, | King, | Smith, of Dor., |
| Crawford, | Lee, | Sykes, |

| | | |
|--------------------|-----------|------------|
| Davis, of Charles, | Mace, | Thomas, |
| Dennis, | Marbury, | Todd, |
| Edelen, | Markey, | Turner, |
| Gale, | Mitchell, | Wooden—38. |

So the question upon its adoption was decided in the negative.

Mr. Scott was excused from attending the sessions of the Convention for the remainder of the week, and Messrs. McComas and Mayhugh were excused from attending the session this evening.

On motion of Mr. Annan,

It was ordered to be entered on the Journal that Henry Baker is absent from his seat on account of sickness.

Mr. Jones, of Somerset, gave notice that at the proper time he would submit the following amendments to the report of the Committee on Elective Franchise:

To amend the amendment of Mr. Scott, on the 434th page of the Journal, by adding at the end thereof the following:

“And that I have never in any manner, either directly or indirectly, by word or deed, violated any article of the Constitution and Laws of the United States, or of the State of Maryland, or of the ten commandments, usually called ‘the moral law,’ as contained in the twentieth chapter of the Book of Exodus; that I have never aided, abetted, encouraged, or apologised for those Abolitionists in the so-called free States, who by carefully prepared acts of their State Legislatures, obstructed and effectually nullified, within such States, the Constitution and Laws of the United States, in relation to the rendition of fugitives from service to their owners, whereby the said owners have been compelled to abandon their property and constitutional rights, or risk heavy losses by enormous fines, or their liberty by long imprisonment, or their lives by abolition mobs; but that I have uniformly and at all times, denounced them not only as covenant-breakers and traitors to their country, but as enemies of the human race.”

To amend Mr. Stirling’s amendment on page 435, of Journal, by striking out all after the word “abilities,” in the tenth line from the top of said page, and insert:

“Faithfully endeavor to restore to the Union, under the Constitution of the United States the States now calling themselves the ‘Confederate States of America,’ with their Constitutions and Laws, customs, habits and institutions, as they existed on the first day of December 1860, and that I will at

all times discountenance and oppose all political combinations having for their object the prevention of such restored Union."

After the word "thereof" in the sixth line from the top of page 435, of Journal, strike out all to the word "States" inclusive, and insert the following:

"But that I have faithfully supported the Constitution of the United States against all violators of the same whether in the Northern or Southern States, or in any department of the Government of the United States, civil or military."

Mr. Smith, of Dorchester, gave notice that at the proper time, he would submit the following amendment to the report of the Committee on the Judiciary Department:

"Sec. 37. Strike out all after the word "the," in the first line, and insert, 'Commissioners of the counties and Baltimore city, shall appoint in the city of Baltimore and the several counties, such number of Justices of the Peace, as the wants and interests of the people may require, they shall certify their appointment so made to the Governor, by whom the appointees shall be commissioned as Justices of the Peace of the State of Maryland, for _____ county and city, the Justices so appointed and commissioned, shall be conservators of the peace, shall hold their office for two years, and shall have such jurisdiction, duties and compensation, subject to such right of appeal, as hath been heretofore exercised, or shall be hereafter prescribed by law.'"

The Convention then proceeded to the consideration of the Report of the Committee on the Executive Department;

Mr. Thomas submitted the following amendment :

Sec. 23. Strike out "unless sooner removed by the Governor," in the third line, and insert after the word "appointment," in the fifth line, the following: "unless sooner removed by the Governor;"

Decided in the negative.

Mr. Miller submitted the following amendment :

Sec. 24. Strike out the word "he," in the first line, and insert the words "the Secretary of State;"

Decided in the affirmative.

Mr. Thomas submitted the following amendment :

Strike out the word "Legislature," wherever it occurs in the report, and insert the words "General Assembly;"

Decided in the affirmative.

Mr. Miller submitted the following amendment :

Sec. 24, line four, strike out the word "may," and insert the words "are now or may hereafter;"

Decided in the affirmative.

The report was then ordered to be engrossed for a third reading.

Mr. Smith, of Carroll, from the Committee on State's Attorneys, submitted the following

REPORT:

The Committee on State's Attorneys, beg leave respectfully to make the following report :

ATTORNEY GENERAL.

Section 1. There shall be an Attorney General, elected by the people of the State on general ticket on the——— of——— next, and on the same day every year thereafter, who shall hold his office for———years from the 1st Monday of January next ensuing his election, and until his successor shall be elected and qualified, and shall be re-eligible thereto, and shall be subject to removal therefrom for incompetency, willful neglect of duty, or misdemeanor in office on conviction in a Court of Law.

Sec. 2. All elections for Attorney General shall be certified to, and returns made thereof by the Clerks of the Circuit Courts for the several counties, and the Clerk of the Superior Court of Baltimore city, to the Governor of the State, whose duty it shall be to decide upon the elections and qualifications of the person returned, and in case of a tie between two or more persons to designate which of said persons shall qualify as Attorney General and to administer the oath of office to the person elected.

Sec. 3. It shall be the duty of the Attorney General to prosecute and defend, on the part of the State, all cases which at the time of his election and qualification, and thereafter may be depending in the Court of Appeals, or in the Supreme Court of the United States, by, or against the State, or wherein the State may be interested ; and he shall give his opinion in writing whenever required by the General Assembly, or either branch thereof, the Governor, Comptroller, the the Treasurer or any State's Attorney on any matter or subject depending before them, and when required by the Governor or the General Assembly, he shall aid any State's Attorney in prosecuting any suit, or action brought by the

State, in any Court of this State; and he shall commence and prosecute or defend any suit, or action in any of said Courts, on the part of the State, as the General Assembly or the Governor, acting according to law, shall direct to be commenced, prosecuted, or defended, and he shall receive for his services an annual salary of——thousand dollars; but he shall not be entitled to receive any fees, perquisites, or rewards, whatever, in addition to the salary aforesaid, for the performance of any official duty, nor have power to appoint any agent, representative, or deputy, under any circumstances whatever.

Sec. 4. No person shall be eligible to the office of Attorney General, who has not been admitted to practice the law in the State, and who has not practiced the law for——years, and who has not resided for at least——years in the State,

Sec. 5. In case of vacancy in the office of Attorney General, or of his removal from the State, or on his conviction as herein before specified the said vacancy shall be filled by the Governor until the election and qualification of his successor, at which election said vacancy shall be filled by the voters of the State for the residue of the term thus made vacant.

THE STATE'S ATTORNEY.

Section 1. There shall be an Attorney for the State in each county and the city of Baltimore, to be styled "The State's Attorney," who shall be elected by the voters thereof, respectively, on the ——, and on the same day every fourth year thereafter, and hold his office for four years from the —— next ensuing his election, and until his successor shall be elected and qualified, and shall be re-eligible thereto, and be subject to removal therefrom for incompetency, willful neglect of duty or misdemeanor in office, on conviction in a Court of Law.

Sec. 2. All elections for the State's Attorney shall be certified to, and returns made thereof, by the Clerks of the said counties and city to the Judges thereof having criminal jurisdiction, respectively, whose duty it shall be to decide upon the elections and qualifications of the persons returned, and in case of a tie between two or more persons, to designate which of said persons shall qualify as State's Attorney, and to administer the oaths of office to the persons elected.

Sec. 3. The State's Attorney shall perform such duties, and receive such fees and commissions as are now prescribed by law, and such other duties, fees and commissions as may hereafter be prescribed by law, and if any State's Attorney shall receive any other fee or reward than such as is, or may

be allowed by law, he shall on conviction thereof, be removed from office; provided, the State's Attorneys of the several counties, shall receive not less than _____ dollars per annum; and provided the State's Attorney for Baltimore city shall have the power to appoint one Deputy, at a salary of not more than _____ dollars per annum, to be paid by the Mayor and City Council of Baltimore, as city officers are paid.

Sec. 4. No person shall be eligible to the office of State's Attorney, who has not been admitted to practice law in this State, and who has not resided for at least one year in the county or city in which he may be elected.

Sec. 5. In case of a vacancy in the office of State's Attorney, or of his removal from the county or city in which he shall have been elected, or on his conviction as hererein specified, the said vacancy shall be filled by the Judge of the county or city respectively, having criminal jurisdiction in which said vacancy shall occur, until the election and qualification of his successor, at which election said vacancy shall be filled by the voters of the county or city, for the residue of the term thus made vacant.

Sec. 6. It shall be the duty of the Clerk of the Court of Appeals, and the Commissioner of the Land Office respectively, whenever a case shall be brought into said court, or office in which the State is a party, or has an interest, immediately to notify the Attorney General thereof.

JNO. E. SMITH, Chairman,
JOHN L. THOMAS, JR.,
WM. DANIEL,
JAS. P. MAYHUGH,
SPRIGG HARWOOD.

Which was read the first time.

On motion of Mr. Pugh,

The Convention proceeded to the consideration of the Report of the Committee on the Elective Franchise.

The question being on the adoption of the amendment of Mr. Stirling to the amendment submitted by Mr. Scott to the 5th section of the report, to wit:

Strike out all after the word "that," in first line of amendment, and insert:

"That I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute

the office of _____ according to the Constitution and Laws of this State, and that since _____

_____ I have not in any manner violated the provisions of the present, or of the late Constitution, in relation to the bribery of voters, or preventing legal votes or procuring illegal votes to be given, (and if a Governor, Senator, Member of the House of Delegates, or Judge,) that I will not directly or indirectly receive the profits or any part of the profits of any other office during the term of my acting as _____; I do further swear or affirm that I will bear true allegiance to the State of Maryland, and support the Constitution and Laws thereof, and that I will bear true allegiance to the United States, and support, protect and defend the Constitution, Laws and Government thereof, as the supreme law of the land, any law or ordinance of this or any State to the contrary notwithstanding; that I have never directly or indirectly by word, act or deed given any aid, comfort or encouragement to those in rebellion against the United States or the lawful authorities thereof, but that I have been truly and loyally on the side of the United States against those in armed rebellion against the United States; and I do further swear or affirm that I will, to the best of my abilities, protect and defend the Union of the United States, and not allow the same to be broken up and dissolved, or the Government thereof to be destroyed under any circumstances if in my power to prevent it, and that I will at all times discountenance and oppose all political combinations having for their object such dissolution or destruction.”

Mr. Thomas called the previous question,

The question being,

“Shall the main question be now put?”

It was decided in the negative.

The question again being on the amendment to the amendment,

After debate thereon,

On motion of Mr. Edelen,

The Convention took a recess until 8 o'clock.

EVENING SESSION.

The Convention met at 8 o'clock, P. M.

All the members present except the following :

Messrs. Baker, Barron, Berry, of Baltimore county, Berry, of Prince George's, Briscoe, Brooks, Chambers, Clarke, Dail, Davis, of Charles, Dennis, Farrow, Gale, Greene, Hatch, Hebb, Henkle, Hoffman, Hollyday, Horsey, Johnson, Jones, of Cecil, Lansdale, Larsh, Mace, Mayhugh, McComas, Noble, Peter, Schley, Schlosser, Scott, Smith, of Dorchester, Sneary, Thomas, Valliant, Wilmer—37.

On motion of Mr. Parker,

Ordered, that it be entered upon the Journal, that the absence of Mr. Larsh, of Baltimore county, from his seat in the Convention is occasioned by the severe illness of a member of his family.

The Convention resumed the consideration of the Report of the Committee on the Elective Franchise.

The question being on the amendment of Mr. Stirling to the amendment submitted by Scott, to the 5th section of the Report ;

Mr. Abbott called the previous question,

The question being,

“Shall the main question be now put?”

It was decided in the affirmative.

The question again being on the adoption of the amendment to the amendment ;

On motion of Mr. Edelin,

The subject was divided,

The question then being on the first clause of the amendment to the amendment, to wit :

“That I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of _____ according to the Constitution and Laws of this State, and that since _____, I have not in any manner violated the provisions of the present, or of the late Constitution, in relation to the bribery of voters,

or preventing legal votes or procuring illegal votes to be given, (and if a Governor, Senator, Member of the House of Delegates, or Judge,) that I will not directly or indirectly receive the profits or any part of the profits of any other office during the term of my acting as _____."

Mr. Jones, of Somerset, demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|-----------------|--------------------|
| Messrs. | Galloway, | Parker, |
| Goldsborough, P't | Harwood, | Pugh, |
| Abbott, | Hopkins, | Purnell, |
| Annan, | Hopper, | Ridgely, |
| Audoun, | Jones, of Som., | Robinette, |
| Belt, | Keefer, | Russell, |
| Billingsley, | Kennard, | Sands, |
| Brown, | King, | Smith, of Carroll, |
| Carter, | Lee, | Smith, of Wor., |
| Cunningham, | Marbury, | Stirling, |
| Daniel, | Markey, | Stockbridge, |
| Davis, of Wash., | Mitchell, | Swope, |
| Dellinger, | Miller, | Sykes, |
| Dent, | Morgan, | Thruston, |
| Duvall, | Mullikin, | Todd, |
| Earle, | Murray, | Wickard, |
| Ecker, | Negley, | Wooden—52. |
| Edelen, | Nyman, | |

NEGATIVE.—None.

So the question upon its adoption was decided in the affirmative.

The question then being on the adoption of the second clause of the amendment to the amendment, to wit :

"I do further swear or affirm that I will bear true allegiance to the State of Maryland, and support the Constitution and Laws thereof, and that I will bear true allegiance to the United States, and support, protect and defend the Constitution, Laws and Government thereof, as the supreme law of the land, any law or ordinance of this or any State to the contrary notwithstanding; that I have never directly or indirectly by word, act or deed given any aid, comfort or encouragement to those in rebellion against the United States or the lawful authorities thereof, but that I have been truly and loyally on the side of the United States against those in armed rebellion

against the United States; and I do further swear or affirm that I will, to the best of my abilities, protect and defend the Union of the United States, and not allow the same to be broken up and dissolved, or the Government thereof to be destroyed under any circumstances if in my power to prevent it, and that I will at all times discountenance and oppose all political combinations having for their object such dissolution or destruction."

Mr. Jones, of Somerset, demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|-----------|--------------------|
| Messrs. | Hopper, | Robinette, |
| Goldsborough, P't | Keefer, | Russell, |
| Abbott, | Kennard, | Sands, |
| Annan, | King, | Smith, of Carroll, |
| Audoun, | Markey, | Smith, of Wor., |
| Carter, | Mullikin, | Stirling, |
| Cunningham, | Murray, | Stockbridge, |
| Daniel, | Negley, | Swope, |
| Davis, of Wash., | Nyman, | Sykes, |
| Dellinger, | Parker, | Thruston, |
| Earle, | Pugh, | Todd, |
| Ecker, | Purnell, | Wickard, |
| Galloway, | Ridgely, | Wooden—39. |
| Hopkins, | | |

NEGATIVE.

| | | |
|--------------|----------------|------------|
| Messrs. | Duvall, | Marbury, |
| Belt, | Edelen, | Mitchell, |
| Billingsley, | Harwood, | Miller, |
| Brown, | Jones, of Som. | Morgan—13. |
| Dent, | Lee, | |

So the question upon its adoption was decided in the affirmative.

The question next being on the adoption of the amendment of Mr. Scott, as amended.

Mr. Edelin demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|-----------|--------------------|
| Messrs. | Hopper, | Robinette, |
| Goldsborough, P't | Keefer, | Russell, |
| Abbott, | Kennard, | Sands, |
| Annan, | King, | Smith, of Carroll, |
| Audoun, | Markey, | Smith, of Wor., |
| Carter, | Mullikin, | Stirling, |
| Cunningham, | Murray, | Stockbridge, |
| Daniel, | Negley, | Swope, |
| Davis, of Wash., | Nyman, | Sykes, |
| Dellinger, | Parker, | Thruston, |
| Earle, | Pugh, | Todd, |
| Ecker, | Purnell, | Wickard, |
| Galloway, | Ridgely, | Wooden—39. |
| Hopkins, | | |

NEGATIVE.

| | | |
|--------------|-----------------|------------|
| Messrs. | Duvall, | Marbury, |
| Belt, | Edelen, | Mitchell, |
| Billingsley, | Jones, of Som., | Miller, |
| Brown, | Lee, | Morgan—12. |
| Dent, | | |

So the question upon its adoption was decided in the affirmative.

The question recurring upon the adoption of section 5, as amended;

It was decided in the affirmative.

On motion of Mr. Edelen,

The Convention adjourned.

WEDNESDAY, August 17th, 1864.

The Convention met at 10 o'clock, A. M.

Prayer by the Rev. Mr. McNemar.

All the members present except the following :

Messrs. Barron, Berry, of Prince George's, Briscoe, Brooks,

Clarke, Dennis, Farrow, Gale, Hatch, Hebb, Henkle, Hoffman, Hollyday, Horsey, Johnson, Larsh, Mace, Noble, Scott, Sneary, Valliant, Wilmer—22.

The proceedings of yesterday were read and approved.

Mr. Stockbridge submitted the following order :

Ordered, That when the Convention enters upon the consideration of the Judiciary Department, it will digest a system by which the Judges shall be elected by the people; and another system by which they shall be appointed by the Executive, and that when the Constitution is submitted to the people for approval or rejection, it shall be so submitted that the people may select between the two systems so prepared.

On motion of Mr. Ridgely,

The consideration of the order was informally passed over.

On motion of Mr. Wooden,

It was ordered to be entered on the Journal that John Barron of Baltimore city is detained from his seat by the illness of a member of his family.

Mr. Morgan gave notice that at the proper time he would submit the following amendment to the report of the Committee on the Judiciary Department:

Strike out section 38 and insert the following:

“Sec. 38. There shall be elected in each county and in the city of Baltimore, every fourth year, two persons for the office of Sheriff for each county, and two for the said city, the one of whom having the highest number of votes of the qualified voters of said county or city, or if both have an equal number, either of them, at the discretion of the Governor to be commissioned by the Governor for said office, and, having served for four years, such persons shall be ineligible for the four years next succeeding; bond with security, to be taken every year, and no Sheriff shall be qualified to act before the same shall be given. In case of death, refusal, disqualification or removal out of the county, before the expiration of the said four years, the other person chosen as aforesaid, shall be commissioned by the Governor to execute the said office for the residue of the said four years, the person giving bond with security as aforesaid. No person shall be eligible to the office of Sheriff but a resident of such county or city respectively, who shall have been a citizen of this State at least five years preceding his election, and above the age of twenty-five years. The two candidates, properly qualified, having the highest num-

ber of legal ballots, shall be declared duly elected for the office of Sheriff for such county or city, and returned to the Governor, with a certificate of the number of ballots for each of them ;”

The Convention then proceeded to the consideration of the report of the Committee on the Elective Franchise.

Mr. Stockbridge moved to reconsider the vote by which the 3d section was adopted;

Decided in the affirmative.

Mr. Stockbridge submitted the following amendment :

Sec. 3, line thirteen, after the word “State,” insert the words :

“Or who shall be guilty of, or accessory to any fraud, force, surprise, or bribery, at any primary meeting or nominating convention, to procure himself or any other person to be nominated to any office National or State, or Municipal;”

Mr. Miller submitted the following amendment to the amendment:

Strike out the words “at any primary meeting or nominating convention;”

Decided in the affirmative.

The question recurring upon the amendment submitted by Mr. Stockbridge as amended ;

Mr. Miller demanded the yeas and nays;

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|---------------------|------------------|--------------------|
| Messrs. | Edelen, | Parker, |
| Goldsborough, P't | Hopkins, | Pugh, |
| Abbott, | Jones, of Cecil, | Purnell, |
| Berry, of Balt. co. | Jones, of Som., | Ridgely, |
| Bond, | Kennard, | Russell, |
| Carter, | Lansdale, | Smith, of Carroll, |
| Chambers, | Marbury, | Smith, of Dor., |
| Crawford, | Markey, | Smith, of Wor., |
| Cunningham, | Mayhugh, | Stockbridge, |
| Dail, | McComas, | Swope, |
| Daniel, | Mitchell, | Sykes, |
| Davis, of Charles, | Miller, | Todd, |

Dellinger,
Duvall,
Earle,
Ecker,

Mullikin,
Murray,
Negley,

Turner,
Wickard,
Wooden—45.

NEGATIVE.

| | | |
|------------------|-----------|--------------|
| Messrs. | Galloway, | Peter, |
| Annan, | Harwood, | Robinette, |
| Audoun, | Hopper, | Sands, |
| Belt, | Keefer, | Schley, |
| Billingsley, | King, | Schlosser, |
| Blackiston, | Lee, | Stirling, |
| Brown, | Morgan, | Thomas, |
| Davis, of Wash., | Nyman, | Thruston—25. |
| Dent, | Parran, | |

So the question upon its adoption was decided in the affirmative.

Mr. Duvall submitted the following amendment :

Insert as an additional section the following :

“Sec. —. The sections of this article which prescribe oaths to be taken shall remain in force only until the end of the existing civil war ; and from and after the re-establishment of peace, there shall be no oath required of legal votes, as a condition of suffrage, and the oath of public officers shall be as now prescribed in the existing Constitution ;”

The question being on the adoption of the amendment,

Mr. Duvall demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|--------------|--------------------|-----------------|
| Messrs. | Dail, | Marbury, |
| Belt, | Davis, of Charles, | Mitchell, |
| Billingsley, | Dent, | Miller, |
| Blackiston, | Duvall, | Morgan, |
| Bond, | Edelen, | Parran, |
| Brown, | Jones, of Som., | Peter, |
| Chambers, | Larsh, | Smith, of Dor., |
| Crawford, | Lee, | Turner—23. |

NEGATIVE.

| | | |
|-------------------|------------------|------------|
| Messrs. | Hopper, | Robinette, |
| Goldsborough, P't | Jones, of Cecil, | Russell, |

| | | |
|---------------------|-----------|--------------------|
| Abbott, | Keefer, | Sands, |
| Annan, | Kennard, | Schley, |
| Audoun, | King, | Schlosser, |
| Berry, of Balt. co. | Markey, | Smith, of Carroll, |
| Carter, | Mayhugh, | Smith, of Wor., |
| Cunningham, | McComas, | Stirling, |
| Daniel, | Mullikin, | Stockbridge, |
| Davis, of Wash., | Murray, | Swope, |
| Dellinger, | Negley, | Sykes, |
| Earle, | Nyman, | Thomas, |
| Ecker, | Parker, | Thruston, |
| Galloway, | Pugh, | Todd, |
| Harwood, | Purnell, | Wickard, |
| Hopkins, | Ridgely, | Wooden—47. |

So the question upon its adoption was decided in the negative.

Mr. Stirling submitted the following amendment :

Insert as an additional section the following :

Sec. —. Every person holding any office of trust or profit under the late Constitution, or under any law of the State, and who shall be continued in office under this Constitution shall within thirty days after this Constitution shall have gone into effect, take and subscribe the oath or affirmation set forth in the 5th section of this article, and if any such person shall fail so to do his office shall be ipso facto vacant.

The question being on the adoption of the amendment,

Mr. Chambers demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|---------------------|-----------|--------------------|
| Messrs. | Keefer, | Russell, |
| Goldsborough, P't | Kennard, | Sands, |
| Abbott, | King, | Schley, |
| Annan, | Markey, | Schlosser, |
| Berry of Balt. co., | Mayhugh, | Smith, of Carroll, |
| Carter, | McComas, | Smith, of Wor., |
| Cunningham, | Mullikin, | Stirling, |
| Daniel, | Murray, | Stockbridge, |
| Davis, of Wash., | Negley, | Swope, |
| Dellinger, | Nyman, | Sykes, |
| Earle, | Parker, | Thomas, |
| Ecker, | Pugh, | Thruston, |

Galloway,
Hopkins,
Hopper,
Jones, of Cecil,

Purnell,
Ridgely,
Robinette,

Todd,
Wickard,
Wooden—45.

NEGATIVE.

Messrs.

Belt,
Billingsley,
Blackiston,
Bond,
Brown,
Chambers,
Crawford,
Dail,

Davis, of Charles,
Dent,
Duvall,
Edelen,
Harwood,
Hodson,
Jones, of Som.,
Lansdale,

Lee,
Marbury,
Miller,
Morgan,
Parran,
Peter,
Smith, of Dor.
Turner—24.

So the question upon its adoption was decided in the affirmative.

Mr. Stirling submitted the following amendment :

Insert as an additional section the following:

Sec. —. No person shall be excluded from voting at any election on account of not being registered, until the General Assembly shall have past an act of registration, and the same shall have been carried into effect, but after such act shall have been carried into effect no person shall vote unless his name appears on the register.

Decided in the affirmative.

By general consent, Mr. Stirling was permitted to fill up the blank in the 5th section, after the word “since,” in the 8th line, with the words “the fourth day of July, eighteen hundred and sixty-one;”

Decided in the affirmative.

The report was then ordered to be engrossed for a third reading.

On motion of Mr. Stockbridge,

The Convention proceeded to the consideration of the Report of the Committee on the Judiciary Department.

Mr. Todd gave notice, that at the proper time he would submit the following amendment to the report :

Insert as an additional section the following ;

“Sec. —. It shall be the duty of the Orphans’ Court of

the several counties and the city of Baltimore, to duly apprentice to some business all negroes emancipated by the adoption of this Constitution, who are minors, subject to such regulations as are now or may hereafter be prescribed by law; and in all cases the preference shall be given to their masters while in a state of slavery, when in the judgment of the said Courts they are suitable persons to have charge of them.”

Mr. Abbott submitted the following amendment :

Section 2, line 4, strike out the word “appointment,” and insert the word “election ;”

The question being on the adoption of the amendment ;

Mr. Morgan demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|--------------------|-----------------|--------------------|
| Messrs. | Galloway, | Nyman, |
| Goldsborough, P't | Harwood, | Parran, |
| Abbott, | Hodson, | Peter, |
| Annan, | Hopkins, | Purnell, |
| Audoun, | Jones, of Som., | Ridgely, |
| Billingsley, | Keefer, | Robinette, |
| Blackiston, | Kennard, | Sands, |
| Carter, | King, | Schley, |
| Crawford, | Lee, | Schlosser, |
| Cunningham, | Marbury, | Smith, of Carroll, |
| Dail, | Markey, | Smith of Dor., |
| Davis, of Charles, | Mayhugh, | Smith, of Wor., |
| Davis, of Wash., | McComas, | Swope, |
| Dellinger, | Mitchell, | Thomas, |
| Dent, | Morgan, | Turner, |
| Duvall, | Murray, | Wickard, |
| Ecker, | Negley, | Wooden—51. |
| Edelen, | | |

NEGATIVE.

| | | |
|---------------------|------------------|--------------|
| Messrs. | Hopper, | Russell, |
| Berry, of Balt co., | Jones, of Cecil, | Stirling, |
| Bond, | Lansdale, | Stockbridge, |
| Brown, | Miller, | Sykes, |
| Chambers, | Mullikin, | Thruston, |
| Daniel, | Parker, | Todd—19 |
| Earle, | Pugh, | |

So the question upon its adoption was decided in the affirmative.

Mr. Thruston submitted the following amendment :

Sec. 2, insert after the word "election," in the fourth line, the words "or appointment by the Executive, in case of a vacancy by death, disqualification or otherwise;"

Decided in the affirmative.

Mr. Abbott submitted the following amendment :

Strike out the words "appointed," and "appointment," wherever they occur in the section, and insert the words "elected and election;"

Decided in the affirmative.

Mr. Stirling submitted the following amendment :

Sec. 2, strike out all after the word "otherwise," in line four, to the word "they," in line six;

Decided in the negative.

Mr. Thruston submitted the following amendment :

Sec. 2, strike out the words "district or," in the fifth line;

The question being on the adoption of the amendment,

Mr. Marbury demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

| | | |
|------------------|-----------|--------------|
| Messrs. | Keefer, | Schlosser, |
| Annan, | McComas, | Stirling, |
| Chambers, | Mullikin, | Stockbridge, |
| Cunningham, | Negley, | Thruston, |
| Daniel, | Russell, | Todd, |
| Davis, of Wash., | Schley, | Wooden—18. |
| Hopper, | | |

NEGATIVE.

| | | |
|---------------------|------------------|----------|
| Messrs. | Edelen, | Morgan, |
| Goldsborough, P't | Galloway, | Parker, |
| Abbott, | Harwood, | Parran, |
| Berry, of Balt. co. | Hodson, | Peter, |
| Billingsley, | Hopkins, | Pugh, |
| Blackiston, | Jones, of Cecil, | Purnell, |

| | | |
|--------------------|-----------------|--------------------|
| Bond, | Jones, of Som., | Ridgely, |
| Brown, | Kennard, | Sands, |
| Crawford, | King, | Smith, of Carroll, |
| Dail, | Lansdale, | Smith, of Dor., |
| Davis, of Charles, | Lee, | Smith, of Wor. |
| Dent, | Marbury, | Swope, |
| Duvall, | Mayhugh, | Thomas, |
| Earle, | Mitchell, | Turner—43. |
| Ecker, | Miller, | |

So the question upon its adoption was decided in the negative.

Mr. Abbott submitted the following amendment :

Sec. 2, strike out the word “thirty,” in the seventh line, and insert the word “forty;”

Decided in the negative.

Mr. Stirling submitted the following amendment :

Strike out the word “thirty,” and insert the words “thirty-five;”

Decided in the negative.

Mr. Davis, of Charles, submitted the following amendment :

After the word “thirty,” in the seventh line, insert the word “five;”

Decided in the negative.

Mr. Thomas submitted the following amendment :

Sec. 3. Strike out all after the word “Judges,” in the first line and insert the following:

“Of the several counties of this State, shall be elected by the qualified voters of the counties and the city of Baltimore, in the manner hereinafter prescribed;”

On motion of Mr. Stirling,

The further consideration of section three was informally passed over.

Mr. Thruston submitted the following amendment :

Sec. 9, line four strike out the word “and,” and insert the word “or;”

Decided in the affirmative.

Mr. Smith, of Worcester, moved that the Convention take a recess until 8 o'clock,

Decided in the negative, by yeas and nays as follows :

AFFIRMATIVE.

| | | |
|---------------------|-----------|-----------------|
| Messrs. | Dent, | Morgan, |
| Berry, of Balt. co. | Duvall, | Murray, |
| Billingsley, | Harwood, | Parran, |
| Blackiston, | Lansdale, | Peter, |
| Chambers, | Lee, | Purnell, |
| Crawford, | Marbury, | Smith, of Wor., |
| Dail, | Mayhugh, | Thomas, |
| Davis, of Charles, | Mitchell, | Thruston, |
| Davis, of Wash., | Miller, | Wickard—26. |

NEGATIVE.

| | | |
|-------------------|------------------|--------------------|
| Messrs. | Hopper, | Russell, |
| Goldsborough, P't | Jones, of Cecil, | Sands, |
| Abbott, | Jones, of Som., | Schley, |
| Annan, | Keefer, | Schlosser, |
| Brown, | Kennard, | Smith, of Carroll, |
| Carter, | King, | Smith, of Dor., |
| Cunningham, | Markey, | Stirling, |
| Daniel, | McComas, | Stockbridge, |
| Earle, | Mullikin, | Swope, |
| Ecker, | Negley, | Sykes, |
| Edelen, | Parker, | Todd, |
| Galloway, | Ridgely, | Wooden—37. |
| Hopkins, | Robinette, | |

Mr. Berry, of Baltimore county, from the Committee on Militia and Military Affairs, submitted the following

REPORT:

The Committee on Militia and Military Affairs respectfully submit the following Report:

MILITIA AND MILITARY AFFAIRS.

Section 1. The Militia shall be composed of all able bodied male citizens, residents of this State, being eighteen years of age, and under the age of forty-five years, who shall be enrolled in the militia, and perform military duty in such manner not incompatible with the Constitution and Laws of the United States, as may be prescribed by the General Assembly of Maryland.

Sec. 2. It shall be the duty of the General Assembly to provide for and perfect from time to time the enrollment of

the militia, and also for its effectual organization, and to make for this purpose such a division of the State into military districts as may secure these results, and in so doing to especially pass such laws as shall promote the formation of volunteer militia associations in the city of Baltimore, and every county, and to secure to them such privileges or assistance as may afford them effectual encouragement.

Sec. 3. The Adjutant General shall be appointed by the Governor, by and with the advice and consent of the Senate. He shall hold his office for the term of _____ years, and receive for his services an annual salary of _____ dollars.

JOHN S. BERRY, Chairman,
JOS. B. PUGH,
H. W. DELLINGER,
D. C. BLACKISTON,
GEO. PETER.

Mr. Wickard from the Minority of said Committee submitted the following:

MINORITY REPORT:

MILITIA AND MILITARY AFFAIRS.

The Minority of the Committee on Militia and Military affairs, respectfully submit the following report :

Section 1. The Militia of this State shall consist of all able bodied male citizens, between the ages of eighteen and forty-five years, except such persons as now are, or may hereafter be exempted by the laws of the United States or this State..

Sec. 2. Persons whose religious opinions or conscientious scruples forbid them to bear arms, shall not be compelled to do so in time of peace, but shall pay an equivalent for such personal service.

Sec. 3. The General Assembly shall provide for organizing, equipping and disciplining the Militia, in such manner as shall be most effective to repel invasion and suppress insurrection, not incompatible with the laws of the United States.

Sec. 4. The Militia officers shall be chosen or appointed as follows: Captains, subalterns and non-commissioned officers shall be chosen by the written votes of the members of their respective companies; field officers of regiments and separate battalions, by the written votes of the commissioned officers of their respective regiments and separate battalions to which

they belong ; Brigadier Generals and Brigade Inspectors, by the field officers of their respective brigades ; Major Generals, Brigadier Generals, and commanding officers of regiments or separate battalions, shall appoint the staff officers of their respective divisions, brigades, regiments or separate battalions.

Sec. 5. The Governor shall nominate and, with the consent of the Senate, appoint Major Generals, an Adjutant General, and other members of his staff, and their commissions shall expire with the time for which the Governor shall have been elected.

Sec. 6. The General Assembly shall, by law, fix the time and manner of electing militia officers, and of certifying their election to the Governor, who shall grant their commissions and determine their rank, when not fixed by law.

Sec. 7. In case subalterns, captains or field officers shall refuse or neglect to make such elections, the Governor shall have power to appoint such officers, and to fill all vacancies caused by such refusal or neglect.

Sec. 8. No commissioned officer shall be removed from office but by the sentence of a courtmartial, or by the Senate, on the recommendation of the Governor, stating the grounds on which such removal is recommended.

Sec. 9. In case the mode of election and appointment of militia officers hereby directed, shall not be found conducive to the improvement of the militia, the General Assembly may abolish the same, and provide by law for their appointment and removal.

J. WICKARD.

Mr. Dellinger was excused from attending the sessions of the Convention until Tuesday next, and Mr. Berry, of Baltimore county, was excused from attending the sessions of the Convention on account of sickness.

The Convention then resumed the consideration of the Report of the Committee on the Judiciary Department.

Mr. Negley submitted the following amendment :

Sec. 9. Strike out in the second line the words "all of the Judges," and insert "any Judge."

On motion of Mr. Sands,

The further consideration of the section was informally passed over.

Mr. Daniel submitted the following amendment :

Insert as section 10 the following :

Sec. 10. The testimony in equity cases shall be taken in like manner as in cases at law.

Pending the consideration of which,

On motion of Mr. Davis, of Washington,

The Convention took a recess until 8 o'clock.

EVENING SESSION.

The Convention met at 8 o'clock, P. M.

All the members present except the following :

Messrs. Baker, Barron, Berry, of Baltimore county, Berry, of Prince George's, Bond, Briscoe, Brooks, Chambers, Clarke, Cushing, Dail, Davis, of Charles, Dellinger, Dennis, Farrow, Gale, Green, Hatch, Hebb, Henkle, Hoffman, Hollyday, Horsey, Johnson, Jones, of Cecil, Larsh, Mace, Noble, Peter, Ridgely, Scott, Smith, of Dorchester, Sneary, Sykes, Thomas, Valliant, Wilmer—37.

Mr. Belt, from a Select Committee, submitted the following

REPORT :

The Committee heretofore appointed to consider and Report upon Section 49, of Article 3, of the present Constitution, having reference to interest and the Usury Laws, beg leave to report their unanimous recommendation, that the following section be added to the Article on the Legislative Department.

Sec. —. The legal rate of interest in this State shall be six per centum per annum, except in cases where a different rate may be agreed upon between contracting parties ; and in all cases of private contract, the rate of interest agreed on, or contracted for, shall be recoverable ; and the General

Assembly shall pass all laws that may be necessary to carry this section into effect.

EDWARD W. BELT,
Chairman of the Committee.

Which was read the first time.

On motion of Mr. Stirling,

It was ordered to be entered on the Journal, that Mr. Cushing is detained from his seat in the Convention on account of sickness.

The Convention then resumed the consideration of the Report of the Committee on the Judiciary Department.

The question being on the amendment submitted by Mr. Daniel, to wit :

Insert as an additional section, the following:

“Sec. 10. The testimony in Equity cases shall be taken in like manner as in cases at law ;”

Decided in the negative.

Mr. Thruston submitted the following amendment :

Sec. 9. Strike out all after the word “the,” in the first line, and insert :

“General Assembly shall provide for the trial of causes in case of the disqualification of all the Judges of the Circuit to hear and determine the same, but in case of such disqualification, the parties thereto may by consent appoint a person to try the same ; and the parties to any cause may submit the same to the Court for determination without the aid of a Jury ;”

Decided in the affirmative.

Mr. Stirling submitted the following amendment :

Strike out from the word “party,” in the 8th line, to the word “cannot,” in the 9th line ;”

Decided in the affirmative.

Mr. Belt submitted the following amendment :

Sec. 10. Insert after the word “pending,” in line ten, as follows : “And sufficient proof to entitle the applicant to such removal shall be the affidavit of the party to the effect that he cannot have a fair and impartial trial of the said issue, petition, presentment or indictment, and also that the said

removal is not applied for with any view of delaying such trial, or of evading justice ;”

Decided in the negative.

Mr. Sands submitted the following amendment :

Sec. 10, line two, strike out the word “may,” and insert the word “shall;”

The question being on the adoption of the amendment,

Mr. Todd demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|------------------|----------------|--------------------|
| Messrs. | Hopkins, | Nyman, |
| Billingsley, | Jones, of Som. | Parran, |
| Blackiston, | King, | Pugh, |
| Brown, | Lansdale, | Robinette, |
| Carter, | Lee, | Sands, |
| Crawford, | Markey, | Smith, of Carroll, |
| Davis, of Wash., | Mayhugh, | Smith, of Wor., |
| Dent, | McComas, | Stirling, |
| Edelen, | Mitchell, | Wickard, |
| Galloway, | Mullikin, | Wooden—3 |
| Hodson, | | |

NEGATIVE.

| | | |
|-------------------|----------|--------------|
| Messrs. | Hopper, | Purnell, |
| Goldsborough, P't | Keefer, | Russell, |
| Abbott, | Kennard, | Schley, |
| Annan, | Marbury, | Schlosser, |
| Audoun, | Miller, | Stockbridge, |
| Cunningham, | Murray, | Swope, |
| Daniel, | Negley, | Thruston, |
| Earle, | Parker, | Todd—24. |
| Ecker, | | |

So the question upon its adoption was decided in the affirmative.

Mr. Sands submitted the following amendment :

Sec. 10, amend by inserting the words “by affidavit or otherwise,” in line seven, between the words “shall,” and “make;”

The question being on the adoption of the amendment,

Mr. Edelen demanded the yeas and nays ;
 The demand being sustained,
 The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|--------------|----------------|--------------|
| Messrs. | Hopkins, | Mayhugh, |
| Billingsley, | Jones, of Som. | Mitchell, |
| Blackiston, | King, | Miller, |
| Crawford, | Lansdale, | Parran, |
| Dent, | Lee, | Sands, |
| Edelen, | Marbury, | Schlusser, |
| Galloway, | Markey, | Stirling—20. |

NEGATIVE.

| | | |
|-------------------|-----------|--------------------|
| Messrs. | Hodson, | Robinette, |
| Goldsborough, P't | Hopper, | Russell, |
| Abbott, | Keefer, | Schley, |
| Annan, | Kennard, | Smith, of Carroll, |
| Audoun, | Mullikin, | Smith, of Wor. |
| Brown, | Murray, | Stockbridge, |
| Carter, | Negley, | Swope, |
| Cunningham, | Nyman, | Thruston, |
| Daniel, | Parker, | Todd, |
| Davis, of Wash. | Pugh, | Wickard, |
| Earle, | Purnell, | Wooden—33. |
| Ecker, | | |

So the question upon its adoption was decided in the negative.

Mr. Stirling submitted the following amendments:

Sec. 11, line one, strike out the words “of good moral character, being a voter;”

Decided in the affirmative.

Mr. Stirling submitted the following amendment :

Strike out “section eleven;”

Decided in the affirmative.

On motion of Mr. Todd,

The Convention adjourned.

THURSDAY, August 18th, 1864.

The Convention met at 10 o'clock, A. M.

Prayer by the Rev. Mr. Owen.

All the Members present except the following :

Messrs. Baker, Belt, Berry, of Baltimore county, Bond, Briscoe, Dellinger, Farrow, Greene, Harwood, Henkle, Hoffman, Hollyday, Johnson, Larsh, Noble, Ridgely, Scott, Sneary, Valliant, Wilmer—20.

The proceedings of yesterday were read and approved.

On motion of Mr. Hebb,

It was ordered to be entered on the Journal that Mr. Greene, of Allegany, is detained from his seat in the Convention on account of sickness.

On motion of Mr. Smith, of Dorchester.

It was ordered to be entered on the Journal that Thomas J. Dail, is kept from his seat in the Convention, by indisposition.

On motion of Mr. Barron,

It was ordered to be entered on the Journal that if John Barron had been present he would have voted for the test oath offered by Mr. Stirling, and would have voted for the amendment to the report of the Committee on the Judiciary offered by Mr. Abbott.

Messrs. Brooks and Barron were excused from attending the evening sessions of the Convention, Mr. Wickard from attending the session this evening, Mr. Thomas from attendance for a few days, and Mr. Thruston until Monday.

The preamble and resolutions submitted by Mr. Marbury on Tuesday last, authorizing the President to appoint a committee of five to wait on the authorities of Washington, in reference to being relieved from further draft,

Was taken up for consideration on its second reading.

On motion of Mr. Berry, of Prince George's,

The consideration of the resolutions was postponed.

Mr. Berry, of Prince George's submitted the following order :

Ordered that a Committee of three be appointed by the President to correspond with the proper authorities, and furnish this Convention with the number of recruits both white and black, which have been received into the service of the United States, from the several counties of the State, and the city of Baltimore, and also the number credited to the said counties and city respectively.

Mr. Stirling submitted the following amendment:

Strike out all after the word "that," in the first line, and insert:

"The Governor be and he is hereby requested to furnish this Convention with any information he may have as to the quota of the State, and the credits that have been given for inhabitants of the State, white or black, who have been enlisted in the service of the United States.

Mr. Abbott called the previous question,

The question being,

"Shall the main question be now put?"

It was decided in the affirmative.

The question then being on the adoption of the amendment to the amendment ;

It was decided in the negative.

The question recurring upon the order submitted by Mr. Berry, of Prince George's.

Mr. Gale demanded the yeas and nays;

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|--------------------|------------------|--------------------|
| Messrs. | Edelen, | Morgan, |
| Goldsborough, P't | Gale, | Negley, |
| Berry, of P. Geo., | Hodson, | Nyman, |
| Billingsley, | Horsey, | Parker, |
| Blackiston, | Jones, of Cecil, | Parran, |
| Brown, | Jones, of Som., | Peter, |
| Chambers, | Lansdale, | Sands, |
| Clarke, | Lee, | Smith, of Carroll, |
| Crawford, | Mace, | Smith, of Dor., |
| Davis, of Charles, | Marbury, | Swope, |
| Dennis, | Mayhugh, | Sykes, |
| Dent, | Mitchell, | Todd, |
| Duvall, | Miller, | Turner—38. |

NEGATIVE.

| | | |
|------------------|-----------|--------------|
| Messrs. | Ecker, | Murray, |
| Abbott, | Galloway, | Pugh, |
| Annan, | Hatch, | Purnell, |
| Audoun, | Hebb, | Robinette, |
| Barron, | Hopkins, | Russell, |
| Brooks, | Hopper, | Schley, |
| Carter, | Keefer, | Schlosser, |
| Cunningham, | Kennard, | Stirling, |
| Cushing, | Markey, | Stockbridge, |
| Daniel, | McComas, | Thomas, |
| Davis, of Wash., | Mullikin, | Wickard—33. |
| Earle, | | |

So the question upon its adoption was decided in the affirmative.

Mr. Todd moved that the vote last taken be reconsidered,
The question being on the adoption of the motion.

Mr. Berry, of Prince George's, demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|-----------|-----------------|
| Messrs. | Hebb, | Purnell, |
| Goldsborough, Pt. | Hopkins, | Robinette, |
| Abbott, | Hopper, | Russell, |
| Annan, | Keefer, | Sands, |
| Audoun, | Kennard, | Schley, |
| Barron, | King, | Schlosser, |
| Brooks, | Markey, | Smith, of Wor., |
| Cunningham, | Mayhugh, | Stirling, |
| Cushing, | McComas, | Stockbridge, |
| Daniel, | Mullikin, | Sykes, |
| Davis, of Wash., | Murray, | Thomas, |
| Earle, | Negley, | Todd, |
| Ecker, | Nyman, | Wickard, |
| Galloway, | Pugh, | Wooden—42 |
| Hatch, | | |

NEGATIVE.

| | | |
|--------------------|---------|-----------|
| Messrs. | Duvall, | Marbury, |
| Berry, of P. Geo., | Edelen, | Mitchell, |
| Billingsley, | Gale, | Miller, |
| Blackiston, | Hodson, | Morgan, |

| | | |
|--------------------|------------------|--------------------|
| Brown, | Horsey, | Parker, |
| Chambers, | Jones, of Cecil, | Parran, |
| Clarke, | Jones, of Som., | Smith, of Carroll, |
| Crawford, | Lansdale, | Smith, of Dor., |
| Davis, of Charles, | Lee, | Swope, |
| Dennis, | Mace, | Turner—30. |
| Dent, | | |

So the question upon its adoption was decided in the affirmative.

On motion of Mr. Berry, of Prince George's,

The further consideration of the order was postponed until to-morrow.

The Convention then proceeded to the consideration of the Report of the Committee on the Judiciary Department;

Mr. King gave notice that at the proper time he would submit the following amendment:

“That the Judicial Districts in the several counties of the State be as reported by the Judiciary Committee, except Frederick and Baltimore counties, each to be separate Judicial Districts.”

Mr. Mulliken moved to reconsider the vote by which the 11th section of the Report was stricken out;

The question being on the adoption of the motion,

Mr. Abbott demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows:

AFFIRMATIVE.

| | | |
|--------------------|------------------|--------------------|
| Messrs. | Hopkins, | Nyman, |
| Abbott, | Horsey, | Parran, |
| Annan, | Jones, of Cecil, | Robinette, |
| Billingsley, | Keefer, | Russell, |
| Blackiston, | Kennard, | Sands, |
| Brown, | King, | Schlosser, |
| Cunningham, | Lansdale, | Smith, of Carroll, |
| Cushing, | Mace, | Smith, of Dor., |
| Davis, of Charles, | Marbury, | Swope, |
| Davis, of Wash., | Markey, | Sykes, |
| Dennis, | Mayhugh, | Thomas, |
| Dent, | McComas, | Todd, |
| Ecker, | Morgan, | Turner, |
| Hebb, | Mullikin, | Wickard, |
| Hodson, | Negley, | Wooden—44. |

NEGATIVE.

| | | |
|-------------------|----------------|-----------------|
| Messrs. | Daniel, | Murray, |
| Goldsborough, P't | Earle, | Parker, |
| Audoun, | Edelen, | Peter, |
| Barron, | Galloway, | Pugh, |
| Brooks, | Hatch, | Purnell, |
| Carter, | Hopper, | Schley, |
| Chambers, | Jones, of Som. | Smith, of Wor., |
| Clark, | Lee, | Stirling, |
| Crawford, | Mitchell, | Stockbridge—26. |

So the question upon its adoption was decided in the affirmative.

The question then being on the adoption of the motion to strike out the section.

Mr. Mullikin submitted the following amendment :

Strike out all after the word “person,” in the first line, and insert the words, “being a voter, shall be admitted to practice law in all the Courts of this State, in his own case ;”

Mr. Jones, of Somerset, submitted the following amendment to the amendment :

Strike out the words “being a voter ;”

The question being on the adoption of the amendment to the amendment :

Mr. Jones, of Somerset demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-----------|-----------------|--------------|
| Messrs. | Hatch, | Mitchell, |
| Chambers, | Horsey, | Murray, |
| Crawford, | Jones, of Som., | Schley, |
| Daniel, | Lansdale, | Stockbridge, |
| Dennis, | McComas, | Thruston—15. |
| Edelen, | | |

NEGATIVE..

| | | |
|-------------------|-----------|----------|
| Messrs. | Gale, | Parran, |
| Goldsborough, P't | Galloway, | Peter, |
| Abbott, | Hebb, | Pugh, |
| Annan, | Hodson, | Purnell, |

| | | |
|--------------------|------------------|--------------------|
| Audoun, | Hopkins, | Robinette, |
| Barron, | Hopper, | Russell, |
| Berry, of P. Geo., | Jones, of Cecil, | Sands, |
| Billingsley, | Keefer, | Schlosser, |
| Blackiston, | Kennard, | Smith, of Carroll, |
| Brooks, | King, | Smith, of Dor., |
| Brown, | Lee, | Smith, of Wor., |
| Carter, | Mace, | Stirling, |
| Clarke, | Marbury, | Swope, |
| Cunningham, | Markey, | Sykes, |
| Davis, of Charles, | Mayhugh, | Thomas, |
| Davis, of Wash., | Morgan, | Todd, |
| Dent, | Mullikin, | Turner, |
| Duvall, | Negley, | Wickard, |
| Earle, | Nyman, | Wooden—57. |
| Ecker, | Parker, | |

So the question upon its adoption was decided in the negative.

Mr. Chambers submitted the following amendment.

Strike out the words “admitted to practice law,” and insert the words “permitted to appear and try his own case,” and strike out the words, in the last line, “in his own case;”

Decided in the affirmative.

The question then recurring upon the original motion to strike out the section,

It was decided in the affirmative.

Mr. Thruston moved to further to amend the amendment by striking out the words “voter in this State,” and insert the words “citizens of the United States;”

Decided in the affirmative.

The question then recurring upon the amendment submitted by Mr. Mullikin, as amended, to wit:

“Sec. 11, every person, being a citizen of the United States, shall be permitted to appear to, and try his own case;”

Mr. Chambers demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

| | | |
|---------|-----------|-----------|
| Messrs. | Galloway, | Mullikin, |
| Abbott, | Hebb, | Negley, |

| | | |
|--------------------|----------------|-----------------|
| Annan, | Hopkins, | Nyman, |
| Audoun, | Hopper, | Robinette, |
| Barron, | Horsey, | Sands, |
| Brown, | Jones, of Som. | Schlosser, |
| Crawford, | Keefer, | Smith of Car. |
| Cunningham, | Kennard, | Smith, of Dor., |
| Daniel, | King, | Smith, of Wor., |
| Davis, of Charles, | Lansdale, | Sykes, |
| Davis, of Wash., | Markey, | Thomas, |
| Dennis, | Mayhugh, | Thruston, |
| Duvall, | McComas, | Wickard—40. |
| Ecker, | | |

NEGATIVE.

| | | |
|--------------------|------------------|--------------|
| Messrs. | Edelen, | Peter, |
| Goldsborough, P't | Hatch, | Pugh, |
| Berry, of P. Geo., | Jones, of Cecil, | Purnell, |
| Billingsley, | Lee, | Russell, |
| Blackiston, | Mace, | Schley, |
| Brooks, | Marbury, | Stirling, |
| Carter, | Mitchell, | Stockbridge, |
| Chambers, | Morgan, | Swope, |
| Clarke, | Murray, | Todd, |
| Dent, | Parker, | Turner, |
| Earle, | Parran, | Wooden—32. |

So the question upon its adoption was decided in the affirmative.

Mr. Abbott submitted the following amendment :

Sec. 12, line twelve, strike out the words "appointed," and insert the words "elected;"

The question being on the adoption of the amendment,

Mr. Chambers demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-----------------|-----------------|------------|
| Messrs. | Galloway, | Murray, |
| Abbott, | Hatch, | Negley, |
| Annan, | Hopkins, | Parran, |
| Audoun, | Horsey, | Purnell, |
| Berry, of P. G. | Jones, of Som., | Robinette, |
| Billingsley, | Keefer, | Sands, |
| Blackiston, | Kennard, | Schley, |
| Crawford, | King, | Schlosser, |

| | | |
|------------------|-----------|--------------------|
| Davis, of Wash., | Lee, | Smith, of Carroll, |
| Dennis, | Marbury, | Smith, of Dor., |
| Dent, | Mayhugh, | Thomas, |
| Duvall, | McComas, | Turner, |
| Ecker, | Mitchell, | Wickard, |
| Edelen, | Morgan, | Wooden—42. |
| Gale, | | |

NEGATIVE.

| | | |
|-------------------|------------------|--------------|
| Messrs. | Hebb, | Russell, |
| Goldsborough, Pt. | Hopper, | Stirling, |
| Brown, | Jones, of Cecil, | Stockbridge, |
| Chambers, | Lansdale, | Swope, |
| Clarke, | Mullikin, | Sykes, |
| Daniel, | Parker, | Thruston—19. |
| Earle, | Peter, | |

So the question upon its adoption was decided in the affirmative.

Mr. Dent submitted the following amendment:

Sec. 12, add at the end of section 12, "by the qualified voters thereof;"

Mr. Thruston submitted the following amendment to the amendment:

Strike out the word "thereof," in last line, and insert the words "whole State;"

Mr. Thomas submitted the following amendment:

Strike out all after the word "the," in the first line, and insert the following:

"Court of Appeals shall consist of a Chief Justice and four Associate Justices and for their selection the State shall be divided into four Judicial Districts. Allegany, Washington, Frederick, Carroll, Baltimore and Harford counties, shall compose the first; Montgomery Howard, Anne Arundel, Calvert, St. Mary's Charles and Prince George's, the second; Baltimorecity, the third; and Cecil, Kent, Queen Anne's, Talbot, Caroline, Dorchester, Somerset and Worcester, shall compose the fourth district; and the Chief Justice shall be elected by the qualified voters of the counties and the city of Baltimore on a general ticket.

And one person from among those learned in the law, having been admitted to practice law in this State and who shall have been a citizen of this State at least five years, and above the age of thirty years at the time of his

election, and a resident of the Judicial District, or if Chief Justice a resident of the State as herein provided, shall be elected from each of said districts and the State, by the legal and qualified voters therein as a Judge of said Court of Appeals, who shall hold his office for the term of fifteen years from the time of his election or until he shall have attained the age of seventy years, whichever may first happen, and be re-eligible thereto until he shall have attained the age of seventy years, and not after, subject to removal for incompetency, willful neglect of duty or misbehavior in office, on conviction in a Court of law, or by the Governor upon the address of the General Assembly two-thirds of the members of each house concurring in such address, and the salary of each of the Judges of the Court of Appeals, shall be four thousand dollars, (\$4,000,) annually, and shall not be in increased or diminished during their continuance in office, and no fees or perquisites of any kind shall be allowed by law to any of the said Judges ;''

The question being on the adoption of the amendment of Mr. Thruston to the amendment of Mr. Dent ;

Mr. Stirling demanded the yeas and nays ;

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|------------------|------------------|--------------------|
| Messrs. | Hopper, | Robinette, |
| Annan, | Jones, of Cecil, | Russell, |
| Audoun, | Keefer, | Sands, |
| Barron, | Kennard, | Schley, |
| Brooks, | Markey, | Schlosser, |
| Cunningham, | Mayhugh, | Smith, of Carroll, |
| Cushing, | McComas, | Smith, of Wor., |
| Daniel, | Mullikin, | Stirling, |
| Davis, of Wash., | Murray, | Stockbridge, |
| Ecker, | Negley, | Sykes, |
| Galloway, | Parker, | Thruston, |
| Hatch, | Pugh, | Wickard, |
| Hebb, | Purnell, | Wooden—39. |
| Hopkins, | | |

NEGATIVE.

| | | |
|--------------------|---------|-----------|
| Messrs. | Duvall, | Mitchell, |
| Abbott, | Earle, | Miller, |
| Berry, of P. Geo., | Edelen, | Morgan, |
| Billingsley, | Gale, | Parran, |
| Blackiston, | Horsey, | Peter, |

| | | |
|--------------------|-----------------|-----------------|
| Brown, | Jones, of Som., | Smith, of Dor., |
| Chambers, | King, | Swope, |
| Crawford, | Lansdale, | Thomas, |
| Davis, of Charles, | Lee, | Todd, |
| Dennis, | Marbury, | Turner—30. |
| Dent, | | |

So the question upon its adoption was decided in the affirmative.

On motion of Mr. Gale,
The Convention took a recess until 8 o'clock.

EVENING SESSION.

The Convention met at 8 o'clock, P. M.

All the members present except the following:

Messrs. Baker, Barron, Belt, Berry, of Baltimore county, Bond, Briscoe, Brooks, Dail, Davis, of Charles, Dellinger, Dennis, Farrow, Greene, Hatch, Henkle, Hollyday, Johnson, Jones, of Cecil, Larsh, Mace, Noble, Peter, Ridgely, Scott, Smith, of Dorchester, Sneary, Thomas, Thruston, Valliant, Wickard, Wilmer, Wooden—32.

On motion of Mr. Ecker,

It was ordered to be entered upon the Journal, that Mr. Wooden is detained from his seat, having been unexpectedly called away on important business.

The Convention resumed the consideration of the Report of the Committee on the Judiciary Department ;

The question being on the adoption of the amendment submitted by Mr. Dent, as amended by Mr. Thruston ;

Mr. Berry, of Prince George's, moved to postpone informally the further consideration of the section ;

Decided in the negative.

The question recurring upon the adoption of the amendment as amended,

Mr. Berry, of Prince George's, demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows:

AFFIRMATIVE.

| | | |
|------------------|-----------|-----------------|
| Messrs. | Keefer, | Robinette, |
| Annan, | Kennard, | Russell, |
| Carter, | King, | Sands, |
| Cunningham, | Markey, | Schley, |
| Cushing, | Mayhugh, | Schlosser, |
| Daniel, | McComas, | Smith, of Wor., |
| Davis, of Wash., | Mullikin, | Stirling, |
| Ecker, | Murray, | Stockbridge, |
| Galloway, | Negley, | Swope, |
| Hebb, | Nyman, | Sykes, |
| Hopkins, | Pugh, | Todd—34. |
| Hopper, | Purnell, | |

NEGATIVE.

| | | |
|-------------------|-----------------|--------------------|
| Messrs. | Crawford, | Lansdale, |
| Goldsborough, P't | Dent, | Lee, |
| Abbott, | Duvall, | Marbury, |
| Audoun, | Earle, | Mitchell, |
| Berry, of P. Geo. | Edelen, | Miller, |
| Billingsley, | Gale, | Morgan, |
| Blackiston, | Hodson, | Parran, |
| Brown, | Horsey, | Smith, of Carroll, |
| Chambers, | Jones, of Som., | Turner—27. |
| Clarke, | | |

So the question upon its adoption was decided in the affirmative.

The question then recurring upon the adoption of the amendment submitted by Mr. Thomas ;

On motion of Mr. Smith, of Carroll,

The further consideration of section 12, was informally passed over.

Mr. Berry, of Prince George's gave notice that when the section was again considered, he would submit the following amendment:

Strike out the words in the amendment "for the period of fifteen years," and insert "for life, or until they shall arrive at the age of sixty years."

Mr. Miller submitted the following amendment :

Sec. 14. Strike out down to the word “and,” in the third line, and insert “the Court of Appeals shall have appellate jurisdiction only, which shall be co-extensive with the limits of the State;”

Decided in the negative.

Mr. Marbury submitted the following amendment :

Sec. 16, line two, strike out the word “four,” and insert the word “five;”

Decided in the negative.

Mr. Davis, of Washington, submitted the following amendment :

Sec. 14, line two, strike out the word “four,” and insert the word “three;”

The question being on the adoption of the amendment,

Mr. Galloway demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|-----------|-----------------|
| Messrs. | Hopper, | Nyman, |
| Goldsborough, P't | Horsey, | Parran, |
| Annan, | Keefer, | Purnell, |
| Audoun, | King, | Robinette, |
| Billingsley, | Lee, | Russell, |
| Brown, | Markey, | Sands, |
| Carter, | Mayhugh, | Schlosser, |
| Cunningham, | McComas, | Smith, of Wor., |
| Davis, of Wash., | Mitchell, | Swope, |
| Duvall, | Mullikin, | Sykes, |
| Ecker, | Murray, | Todd, |
| Edelen, | Negley, | Turner—36. |
| Galloway, | | |

NEGATIVE.

| | | |
|--------------------|-----------------|--------------------|
| Messrs. | Earle, | Miller, |
| Abbott, | Harwood, | Morgan, |
| Berry, of P. Geo., | Hebb, | Parker, |
| Blackiston, | Hodson, | Pugh, |
| Chambers, | Hopkins, | Schley, |
| Clarke, | Jones, of Som., | Smith, of Carroll, |

Crawford,
Daniel,
Dent,

Kennard,
Lansdale,
Marbury,

Stirling,
Stockbridge—25.

So the question upon its adoption was decided in the affirmative.

Mr. Miller submitted the following amendment:

Sec. 17. Add to end of section the words “which the Judges shall designate as proper for publication;”

Decided in the affirmative.

Mr. Hebb submitted the following amendment:

Sec. 19. Strike out all after the word “the,” in the first line, and insert:

“State shall be divided into twelve Judicial Circuits, in manner following: The counties of St. Mary’s, Charles, and Prince George’s, shall constitute the first Circuit; the counties of Anne Arundel, Calvert and Montgomery, the second; the county of Frederick, the third; the county of Washington, the fourth; the county of Allegany, the fifth; the counties of Carroll and Howard, the sixth; the county of Baltimore, the seventh; the counties of Harford and Cecil, the eighth; the counties of Kent, Queen Anne’s and Talbot, the ninth; the counties of Caroline and Dorchester, the tenth; the counties of Somerset and Worcester, the eleventh; and the city of Baltimore, the twelfth.”

On motion of Mr. King,

The further consideration of section nineteen was informally passed over.

Mr. Hebb submitted the following amendment:

Strike out the section and insert:

Sec. 20. One Court shall be held in each county of the State; the said Courts shall be called Circuit Courts for the county in which they may be held, and shall have and exercise all the power, authority and jurisdiction, original and appellate, which the present Circuit Courts of this State now have and exercise, or which may hereafter be prescribed by law.

Mr. Clarke submitted the following amendment to the amendment:

Sec. 20. There shall be a Judge for each county in the State, who shall be elected by the legal and qualified voters thereof, from among those learned in the law.

Pending the consideration of which,

Mr. Davis, of Washington, asked and obtained leave to absent himself from the sessions of the Convention for a few days.

Mr. Hebb gave notice that he would submit the following amendment :

Strike out section 21, and insert :

Sec. 21. For each circuit (the twelfth excepted) there shall be one Judge; the said Judges shall be styled Circuit Judges, and shall hold a term of their Courts in each of the counties composing their respective circuits at such times as now are or may hereafter be fixed by law, such terms to be never less than two in each year in each county; special terms may be held by said Judges, in their discretion, whenever the business of their several counties renders such terms necessary.

On motion of Mr. Stockbridge,

The Convention adjourned.

FRIDAY, August 19th, 1864.

The Convention met at 10 o'clock, A. M.

Prayer by the Rev. Mr. McNemar.

All the members present except the following :

Messrs. Baker, Barron, Belt, Berry, of Baltimore county, Chambers, Dail, Davis, of Washington, Dellinger, Dennis, Dent, Farrow, Greene, Henkle, Hoffman, Hollyday, Johnson, Jones, of Cecil, Mace, Marbury, Noble, Peter, Scott, Thomas, Thruston, Valliant, Wilmer—26.

The proceedings of yesterday were read and approved.

Mr. Audoun submitted the following order :

Ordered, That the minority report on Militia and Military Affairs be printed in bill form, and furnished to members of the Convention.

Which was adopted.

Mr. Morgan submitted the following order :

Ordered, That when this Convention adjourns to-day it stands adjourned to meet on Monday next, at 12 o'clock.

The question being on the adoption of the order,

Mr. Stirling demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|--------------------|-----------------|-----------------|
| Messrs. | Gale, | Mitchell, |
| Goldsborough, P't | Harwood, | Morgan, |
| Audoun, | Hatch, | Mullikin, |
| Belt, | Henkle, | Parran, |
| Billingsley, | Hodson, | Ridgely, |
| Blackiston, | Hopkins, | Schley, |
| Bond, | Hopper, | Schlosser, |
| Briscoe, | Horsey, | Smith, of Dor., |
| Brooks, | Jones, of Som., | Smith, of Wor., |
| Chambers, | Keefer, | Sneary, |
| Clarke, | Kennard, | Stirling, |
| Crawford, | Lansdale, | Sykes, |
| Davis, of Charles, | Larsh, | Todd, |
| Duvall, | Lee, | Turner, |
| Edelen, | Marbury, | Wickard—44. |

NEGATIVE.

| | | |
|-------------|-----------|--------------------|
| Messrs. | Galloway, | Parker, |
| Abbott, | Hebb, | Pugh, |
| Annan, | King, | Purnell, |
| Brown, | Markey, | Robinette, |
| Carter, | Mayhugh, | Russell, |
| Cunningham, | McComas, | Sands, |
| Cushing, | Miller, | Smith, of Carroll, |
| Daniel, | Murray, | Stockbridge, |
| Earle, | Negley, | Swope, |
| Ecker, | Nyman, | Wooden—29. |

So the question upon its adoption was decided in the affirmative.

On motion of Mr. Ridgely,

It was ordered to be entered upon the Journal that Mr. Hoffman, of Baltimore county, is detained from his seat in

this Convention by reason of the dangerous illness of a member of his family.

On motion of Mr. Duvall,

It was ordered to be entered on the Journal that Mr. Peter is detained from his seat in this Convention on account of indisposition; Messrs. Duvall and Hopper were excused from attending the sessions of the Convention until Monday; Messrs. Clarke, Todd and Markey for a few days; Mr. Davis, of Charles, until Tuesday, and Mr. Ridgely until Tuesday.

The Convention proceeded to the consideration of the Report of the Committee on the Judiciary Department;

The question being on the adoption of the amendment of Mr. Clarke, to the amendment of Mr. Hebb;

Mr. Clarke withdrew his amendment.

The question then being on the adoption of the amendment submitted by Mr. Hebb;

On motion of Mr. Smith, of Carroll,

The further consideration of the report was postponed until Tuesday next, at half-past ten o'clock.

Mr. Clarke gave notice that when the report was again considered, he would submit the following amendment:

PART III.—COUNTY AND CIRCUIT COURTS.

Sec. 19. There shall be a Judge for each county in the State, who shall be elected by the legal and qualified voters of the several counties. He shall be a resident for one year in the county for which he may be elected next before the time of his election, and shall reside in the county for which he is elected while he continues to act as Judge.

Sec. 20. There shall a Court in each county in the State; they shall be called Equity Courts for the county in which they are held. The Judge elected for each county, shall be the Judge of the said Court, and shall have and exercise in the county for which he is elected, the full and exclusive power, authority and jurisdiction of a Court of Equity in their said county, with all the Chancery powers which the present Circuit Courts have as Courts of Equity in the several counties, or which may be hereafter prescribed by laws made pursuant to this Constitution, with the right of appeal to the Court of Appeals, as is now or may be hereafter provided for by law. He shall hold at least four terms of the Equity Court for the county, or oftener if required by law, and shall be ex-officio

Chief Judge of the Orphans' Court of the county for which he is elected.

Sec. 21. Same as section 19 in the Report of the Committee.

Sec. 22. In each of the above named Circuits, except the eighth, there shall be three Courts, one to be held in each county, they shall be called Circuit Courts for the county in which they may be held, and shall have and exercise in the several counties of the respective Circuits all the common law power and authority, original and appellate, and criminal jurisdiction which the Circuit Courts for the several counties now have, hold and exercise, or which may hereafter be prescribed by laws made pursuant to this Constitution.

Sec. 23. The Judges of the several counties comprising the said Judicial Circuits shall be the Judges of the Circuit Courts for the respective counties embraced within the said Judicial Circuits. The Governor, by and with the advice and consent of the Senate, shall designate the Chief Justice of the several Circuits. The said Judges shall hold a term of their Courts in each of the counties composing their respective Circuits at such times as now are, or may hereafter be fixed by law, such terms to be never less than two in each year in each county. Special terms may be held by said Judges, in their discretion, whenever the business of the several counties renders such terms necessary; a single Judge may hold sessions of the Circuit Court for the disposal of all business merely formal and uncontested, such causes civil or criminal as the parties litigant shall consent in writing to try before a single Judge, and appeals from Justices of the Peace where the parties agree in writing to waive a trial by jury, and to try the appeal before a single Judge."

Sec. 24. The Chief Justice when so appointed as herein prescribed, shall when attending, preside in said Courts, and in case of his absence or his withdrawing from the bench, the Judge next in seniority, to be determined from the date of the commission, who shall be present shall preside therein; and in case of the death, disqualification, or refusal to act, of the person appointed Chief Justice as aforesaid, the Judge next in seniority as aforesaid, shall be the Chief Justice of the said Court until a new appointment of Chief Justice shall be made as aforesaid.

Mr. Belt moved that the several proposed amendments be printed in bill form;

Decided in the affirmative.

On motion of Mr. Berry, of Prince George's ;

The order submitted by him yesterday was taken up

Mr. Berry, of Prince George's, submitted the following as an amendment to said order :

“Ordered, that a Committee to consist of nine members of the Convention be appointed by the President to wait upon his Excellency, Governor Bradford, and respectfully request him to ascertain from the proper authorities, and report to this Convention at his earliest convenience, the number of recruits, both white and black, that have been received into the service of the United States from the city of Baltimore and several counties in the State respectively, since the beginning of this war; also the number that have been credited to the said city and counties respectively, and if possible to have the enrollment so revised and corrected, as to give the said city and several counties a credit for all the recruits furnished by them as aforesaid, also take such steps as may be necessary to have credited to said city and counties all persons who may have been enlisted by military officers in the employ of the United States, under the pretended authority of the Government, and transferred by them and credited to any of the States of the Union.”

Mr. Hebb submitted the following amendment to the amendment :

Strike out all after the word “that,” in the first line, to the word “to,” in the seventh line, and insert the words “the Governor be respectfully requested to communicate ;”

Mr. Abbott called the previous question ;

The question being,

“Shall the main question be now put?”

It was decided in the negative.

The question then being on the adoption of the amendment to the amendment.

Mr. Berry, of Prince George's, demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|---------|------------|
| Messrs. | Hopper, | Robinette, |
| Goldsborough, P't | Keefer, | Russell, |

| | | |
|-------------|-----------|--------------------|
| Annan, | Kennard, | Sands, |
| Bond, | Larsh, | Schlosser, |
| Brooks, | Marbury, | Smith, of Carroll, |
| Carter, | Markey, | Smith, of Wor., |
| Cunningham, | Mayhugh, | Sneary, |
| Cushing, | McComas, | Stirling, |
| Daniel, | Mullikin, | Stockbridge, |
| Ecker, | Murray, | Swope, |
| Galloway, | Negley, | Sykes, |
| Harwood, | Nyman, | Todd, |
| Hebb, | Parker, | Wooden—40. |
| Hopkins, | Purnell, | |

NEGATIVE.

| | | |
|-------------------|--------------------|-----------------|
| Messrs. | Davis, of Charles, | King, |
| Abbott, | Dent, | Lansdale, |
| Belt, | Duvall, | Lee, |
| Berry, of P. Geo. | Earle, | Mitchell, |
| Billingsley, | Edelen, | Miller, |
| Blackiston, | Gale, | Morgan, |
| Briscoc, | Hatch, | Parran, |
| Brown, | Henkle, | Pugh, |
| Chambers, | Hodson, | Ridgely, |
| Clarke, | Horsey, | Smith, of Dor., |
| Crawford, | Jones, of Som., | Turner—32. |

So the question upon its adoption was decided in the affirmative.

Mr. Briscoe submitted the following amendment:

Strike out all after the word “that,” in the first line, to the word “the,” in the ninth line, and insert the words “the Governor and Adjutant General of this State be requested, in conjunction with a committee of the members of this Convention to be appointed by the Chair, to proceed to the War Department, and after conference with the proper authorities to obtain;”

Mr. Stirling moved to indefinitely postpone the whole subject.

The question being on the adoption of the motion,

Mr. Berry, of Prince George’s, demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|-----------|--------------------|
| Messrs. | Hopkins, | Purnell, |
| Goldsborough, P't | Hopper, | Ridgely, |
| Abbott, | Keefer, | Robinette, |
| Annan, | Kennard, | Russell, |
| Audoun, | King, | Schlosser, |
| Brooks, | Larsh, | Smith, of Carroll, |
| Carter, | Markey, | Smith, of Wor., |
| Cunningham, | Mayhugh, | Sneary, |
| Cushing, | McComas, | Stirling, |
| Daniel, | Mullikin, | Stockbridge, |
| Earle, | Murray, | Swope, |
| Ecker, | Negley, | Sykes, |
| Galloway, | Nyman, | Todd, |
| Hatch, | Parker, | Wickard, |
| Hebb, | Pugh, | Wooden—44. |

NEGATIVE.

| | | |
|--------------------|--------------------|----------------|
| Messrs. | Crawford, | Jones, of Som. |
| Belt, | Davis, of Charles, | Lansdale, |
| Berry, of P. Geo., | Dent, | Lee, |
| Billingsley, | Duvall, | Marbury, |
| Blackiston, | Edelen, | Mitchell, |
| Bond, | Gale, | Miller, |
| Briscoe, | Harwood, | Morgan, |
| Brown, | Henkle, | Parran, |
| Chambers, | Hodson, | Smith, of Dor. |
| Clarke, | Horsey, | Turner—28. |

So the question upon its adoption was decided in the affirmative.

On motion of Mr. Stockbridge,

The Convention proceeded to the consideration of the report on State's Attorneys.

Mr. Daniel submitted the following amendment :

Strike out all between the word "General," in line one, and the word "who," in line four, and insert "appointed by the Governor, by and with the advice and consent of the Senate;"

The question being on the adoption of the amendment,

Mr. Daniel demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|--------------------|-----------|--------------------|
| Messrs. | Earle, | Parran, |
| Goldsborough, P't | Edelen, | Purnell, |
| Bond, | Hopkins, | Ridgely, |
| Briscoe, | Lee, | Russell, |
| Chambers, | Mitchell, | Smith, of Carroll, |
| Clark, | Miller, | Stockbridge, |
| Daniel, | Mullikin, | Sykes, |
| Davis, of Charles, | Parker, | Todd—24. |
| Dent, | | |

NEGATIVE.

| | | |
|-------------|----------------|------------|
| Messrs. | Hatch, | McComas, |
| Abbott, | Hebb, | Murray, |
| Annan, | Horsey, | Negley, |
| Audoun, | Jones, of Som. | Nyman, |
| Blackiston, | Keefer, | Robinette, |
| Brooks, | Kennard, | Sands, |
| Brown, | King, | Schlosser, |
| Cunningham, | Larsh, | Stirling, |
| Duval, | Marbury, | Swope, |
| Ecker, | Markey, | Wickard, |
| Gale, | Mayhugh, | Wooden—33. |
| Galloway, | | |

So the question upon its adoption was decided in the negative.

Mr. Hebb submitted the following amendment :

Sec. 1. Strike out all after the word "the," in the second line to the word "and," in the third line, and insert the words "Tuesday next after the first Monday in November, in the year eighteen hundred and sixty-four;"

Decided in the affirmative.

Mr. Hebb submitted the following amendment :

Sec. 1, line three, strike out the word "every," and insert the words "in every fourth," and in line four, after the word "for," insert the word "four;"

Decided in the affirmative.

Mr. Audoun submitted the following amendment :

Sec. 3, line fifteen, after the word "of," insert the word "three;"

Mr. Edelen moved to insert "two;"

Mr. Stirling moved to insert "twenty-five hundred," and strike out the word "thousand;"

The question being on the adoption of the amendment submitted by Mr. Aunoun,

Mr. Mayhugh demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|-----------|--------------------|
| Messrs. | Duvall, | Nyman, |
| Goldsborough, P't | Earle, | Parker, |
| Audoun, | Galloway, | Ridgely, |
| Blackiston, | Hopkins, | Russell, |
| Bond, | Kennard, | Smith, of Carroll, |
| Briscoe, | Lansdale, | Sneary, |
| Brooks, | Larsh, | Stirling, |
| Carter, | McComas, | Stockbridge, |
| Chambers, | Miller, | Sykes, |
| Clarke, | Negley, | Wooden—30. |
| Dent, | | |

NEGATIVE.

| | | |
|--------------------|-----------|-----------------|
| Messrs. | Gale, | Mullikin, |
| Abbott, | Hatch, | Murray, |
| Annan, | Hebb, | Parran, |
| Billingsley, | Hopper, | Purnell, |
| Brown, | Horsey, | Robinette, |
| Crawford, | Keefer, | Schlosser, |
| Cunningham, | King, | Smith, of Dor., |
| Daniel, | Lee, | Swope, |
| Davis, of Charles, | Markey, | Todd, |
| Ecker, | Mayhugh, | Wickard—31. |
| Edelen, | Mitchell, | |

So the question upon its adoption was decided in the negative.

The question recurring upon the adoption of the amendment submitted by Mr. Stirling ;

Mr. Wickard demanded the yeas and nays ;

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|-----------------|----------|
| Messrs. | Hopper, | Parker, |
| Goldsborough, Pt. | Horsey, | Parran, |
| Annan, | Jones, of Som., | Ridgely, |

| | | |
|-------------|-----------|--------------------|
| Bond, | Kennard, | Russell, |
| Briscoe, | King, | Schley, |
| Chambers, | Lansdale, | Smith, of Carroll, |
| Cunningham, | Larsh, | Smith, of Wor., |
| Daniel, | Markey, | Sneary, |
| Dent, | McComas, | Stirling, |
| Earle, | Miller, | Stockbridge, |
| Ecker, | Mullikin, | Swope, |
| Galloway, | Murray, | Sykes, |
| Hatch, | Negley, | Todd, |
| Hebb, | Nyman, | Wooden—42 |
| Hopkins, | | |

NEGATIVE.

| | | |
|--------------|--------------------|-----------------|
| Messrs. | Carter, | Mayhugh, |
| Abbott, | Crawford, | Mitchell, |
| Audoun, | Davis, of Charles, | Purnell, |
| Billingsley, | Edelen, | Robinette, |
| Blackiston, | Gale, | Schlosser, |
| Brooks, | Keefer, | Smith, of Dor., |
| Brown, | Lee, | Wickard—20. |

So the question upon its adoption was decided in the affirmative.

Mr. Miller submitted the following amendment:

Sec. 3, line seven and eight, strike out the words "or any State's Attorney ;"

Decided in the negative.

Mr. Smith, of Carroll, submitted the following amendment:

Sec. 4, line three, after the word "for," insert the word "ten :"

Mr. Schley moved to insert "five ;"

Mr. Chambers moved to insert "seven ;"

The question being on the adoption of the amendment submitted by Mr. Smith, of Carroll ;"

It was decided in the negative.

The question recurring upon the amendment submitted by Mr. Chambers ;

It was decided in the affirmative.

Mr. Stockbridge submitted the following amendment:

Sec. 4, line four, insert after the word "least," the word "five;"

Decided in the affirmative.

Mr. Abbott submitted the following amendment :

Insert at the end of the section, the words "next preceding his election;"

Decided in the affirmative.

Mr. Chambers submitted the following amendment :

Sec. 4, line three, after the word "law," insert the word "therein;"

Decided in the affirmative.

Mr. Chambers moved to reconsider the vote by which the word "five," was inserted in line four.

Decided in the affirmative.

Mr. Chambers moved to insert the word "seven;"

Decided in the affirmative.

Mr. Stockbridge submitted the following amendment :

Transpose the words "in the State," in last line, and insert the same words after the word "resided," in same line.

Decided in the affirmative.

Mr. Stockbridge submitted the following amendment:

Sec. 5. Strike out all after the word "Governor," in the third line to the word "for," in the fifth line;

Decided in the affirmative.

Mr. Miller submitted the following amendment :

Sec. 5. Strike out the words "or of," in the first line, and insert the words "occasioned by death, resignation or," and strike out the word "on," in the second line.

Decided in the affirmative.

Mr. Hatch moved that the Convention do now adjourn.

The question being on the adoption of the motion,

Mr. Hebb demanded the yeas and nays;

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|--------------------|-----------------|-----------------|
| Messrs. | Gale, | Mullikin, |
| Audoun, | Hatch, | Murray, |
| Billingsley, | Horsey, | Nyman, |
| Blackiston, | Jones, of Som., | Parker, |
| Briscoe, | Keefer, | Parran, |
| Brooks, | Kennard, | Pugh, |
| Brown, | Lansdale, | Smith, of Dor., |
| Chambers, | Lee, | Smith, of Wor., |
| Clarke, | Markey, | Sneary, |
| Davis, of Charles, | Mitchell, | Stirling, |
| Dent, | Miller, | Wickard—33. |
| Edelen, | | |

NEGATIVE.

| | | |
|-------------|----------|--------------------|
| Messrs. | Hopkins, | Ridgely, |
| Abbott, | Hopper, | Robinette, |
| Annan, | King, | Schley, |
| Cunningham, | Larsh, | Schlosser, |
| Daniel, | Mayhugh, | Smith, of Carroll, |
| Earle, | McComas, | Stockbridge, |
| Ecker, | Negley, | Swope, |
| Galloway, | Purnell, | Wooden—24. |
| Hebb, | | |

So the Convention adjourned until Monday at 12 o'clock.

MONDAY, August 22d, 1864.

The Convention met at 12 o'clock, M.

Prayer by the Rev. Mr. Owen.

All the Members present except the following :

Messrs. Goldsborough, (President,) Annan, Baker, Barron, Belt, Berry, of Baltimore county, Blackiston, Bond, Briscoe, Dail, Davis of Charles, Davis, of Washington, Dellinger, Dennis, Edelen, Farrow, Greene, Hatch, Henkle, Hoffman, Hopper, Johnson, Jones, of Cecil, Kennard, Lansdale, Mace, Marbury, Markey, McComas, Mitchell, Morgan, Mullikin,

Negley, Noble, Peter, Ridgely, Scott, Smith, of Dorchester, Sykes, Todd, Turner, Wilmer—42.

The proceedings of Friday were read and approved.

The Convention proceeded to the consideration of the report of the Committee on State's Attorneys.

Mr. Smith, of Carroll, submitted the following amendment:

Sec. 1. Strike out from the word "the," in the third line to the word "and," in the fourth line, and insert "Tuesday next after the first Monday in November, eighteen hundred and sixty-seven ;"

Decided in the affirmative.

Mr. Smith, of Carroll, submitted the following amendment:

Sec. 1. Insert after the word "the," in the sixth line, the words "first Monday in January ;"

Decided in the affirmative.

Mr. Thomas submitted the following amendment:

Sec. 3. Insert after the word "than," in the seventh line words "eight hundred ;"

Mr. Daniel moved to amend by inserting "five hundred ;"

The question being on the adoption of the amendment submitted by Mr. Thomas ;

Mr. Daniel demanded the yeas and nays ;

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|--------------------|-----------------|--------------------|
| Messrs. | Earle, | Miller, |
| Audoun, | Galloway, | Russell, |
| Berry, of P. Geo., | Harwood, | Sands, |
| Billingsley, | Hodson, | Schley, |
| Brooks, | Hollyday, | Schlosser, |
| Carter, | Horsey, | Smith, of Carroll, |
| Chambers, | Jones, of Som., | Stirling, |
| Clarke, | Keefer, | Swope, |
| Crawford, | King, | Thomas, |
| Cunningham, | Lee, | Wickard—30. |
| Dent, | | |

NEGATIVE.

| | | |
|----------|----------|-----------------|
| Messrs | Larsh, | Purnell, |
| Abbott, | Mayhugh, | Robinette, |
| Brown, | Murray, | Smith, of Wor., |
| Cushing, | Nyman, | Sneary, |
| Daniel, | Parker, | Stockbridge, |
| Ecker, | Parran, | Valliant, |
| Hebb, | Pugh, | Wooden—21. |
| Hopkins, | | |

So the question upon its adoption was decided in the affirmative.

Mr. Stirling submitted the following amendment :

Section 3. Strike out all after the word “the,” in the tenth line, and insert the words “said State’s Attorney, out of the fees of his office, as has heretofore been practiced ;”

Decided in the affirmative.

Mr. Daniel submitted the following amendment :

Sec. 3, line nine, insert after the word “than,” in the ninth line, the words “fifteen hundred;”

Decided in the affirmative.

Mr. Hebb submitted the following amendment :

Sec. 3. Strike out all after the word “office,” in the sixth line to the word “and,” in the seventh line;

Decided in the affirmative.

Mr. Stirling submitted the following amendment:

Sec. 5. Strike out the words “until the election,” in the fifth line, and insert the words “until the next election thereafter held for members of the General Assembly;”

Decided in the affirmative.

Mr. Stockbridge submitted the following amendment:

Strike out all after the word “occur,” in line five, to the second word “for,” in the seventh line;

Decided in the affirmative.

Mr. Stockbridge submitted the following amendment:

Transpose section 6, to follow section 5, under head of Attorney General;

Decided in the affirmative.

Mr. Galloway submitted the following amendment :

Sec. 1, line one, strike out the word "people," and insert the words "qualified voters;"

Decided in the affirmative.

Mr. Audoun moved to recur back to the third section for the purpose of amendment;

Decided in the negative.

The bill was then ordered to be engrossed for a third reading.

On motion of Mr. Wickard,

The Convention proceeded to the consideration of the report of the Committee on Usury Laws.

Mr. Daniel submitted the following amendment :

Strike out the word "six," in the first line, and insert the word "seven;"

Pending the consideration of which,

On motion of Mr. Audoun,

The Convention took a recess until 8 o'clock.

EVENING SESSION.

The Convention met at 8 o'clock, P. M.

All the members present except the following:

Messrs. Goldsborough, (President,) Annon, Baker, Barron, Belt, Berry, of Baltimore county, Berry, of Prince George's, Blackiston, Bond, Briscoe, Brooks, Brown, Carter, Chambers, Dail, Davis, of Charles, Davis, of Washington, Delinger, Dennis, Duvall, Edelen, Farrow, Greene, Harwood, Hatch, Henkle, Hodson, Hoffman, Hopkins, Hopper, Johnson, Jones, of Cecil, Kennard, Lansdale, Larsh, Mace, Marbury, Markey, Mitchell, Morgan, Mullikin, Negley, Noble, Peter, Scott, Smith, of Dorchester, Sneary, Sykes, Thomas, Todd, Turner, Valliant, Wickard, Wilmer—51.

There being no quorum present,

Mr. Audoun moved that the Convention adjourn.

Mr. Swope demanded the yeas and nays ;

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-----------|-----------------|-----------------|
| Messrs. | Horsey, | Parran, |
| Audoun, | Jones, of Som., | Ridgely, |
| Crawford, | Keefer, | Russell, |
| Dent, | King, | Sands, |
| Galloway, | Lee, | Schlosser, |
| Harwood, | Murray, | Smith, of Wor., |
| Hollyday, | Nyman, | —19. |

NEGATIVE.

| | | |
|--------------|----------|--------------------|
| Messrs. | Gale, | Robinette, |
| Abbott, | Hebb, | Schley, |
| Billingsley, | Mayhugh, | Smith, of Carroll, |
| Cunningham, | McComas, | Stirling, |
| Cushing, | Miller, | Stockbridge, |
| Daniel, | Parker, | Swope, |
| Earle, | Pugh, | Wooden—22. |
| Ecker, | Purnell, | |

So the Convention refused to adjourn.

On motion of Mr. Sands,

The Convention adjourned.

TUESDAY, August 23d, 1864.

The Convention met at 10 o'clock, A. M.

Prayer by the Rev. Mr. Owen.

All the members present except the following :

Messrs. Goldsborough, (President,) Annan, Baker, Barron, Belt, Berry, of Baltimore county, Briscoe, Brooks, Brown,

Chambers, Dail, Davis, of Charles, Davis, of Washington, Farrow, Gale, Greene, Henkle, Hoffman, Lansdale, Mace, Marbury, Markey, Miller, Noble, Scott, Stockbridge, Todd.
—27.

The proceedings of yesterday were read and approved.

The Convention proceeded to the consideration of the report of the Committee on Interest and the Usury Laws ;

The question being on the adoption of the amendment submitted by Mr. Daniel, to wit :

Strike out the word “six,” in the first line, and insert the word “seven ;”

After debate thereon,

The hour having arrived for taking up the Order of the Day, being the report of the Committee on the Judiciary Department,

On motion of Mr. Stirling,

The Order of the Day was postponed until after the consideration of the matter pending.

The question recurring upon the adoption of the amendment submitted by Mr. Daniel ,

Mr. Thomas demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|----------|---------|------------|
| Messrs. | Daniel, | Hopper, |
| Abbott, | Gale, | Parker, |
| Cushing, | Hatch, | Ridgely—8. |

NEGATIVE.

| | | |
|--------------------|------------------|-----------------|
| Messrs. | Hopkins, | Pugh, |
| Audoun, | Horsey, | Purnell, |
| Berry, of P. Geo., | Johnson, | Robinette, |
| Billingsley, | Jones, of Cecil, | Russell, |
| Blackiston, | Jones, of Som. | Sands, |
| Bond, | Keefer, | Schley, |
| Briscoe, | Kennard, | Schlosser, |
| Carter, | King, | Smith of Car. |
| Chambers, | Larsh, | Smith, of Dor., |
| Clarke, | Lee, | Smith, of Wor., |
| Crawford, | Mayhugh, | Sneary, |

| | | |
|-------------|-----------|------------|
| Cunningham, | McComas, | Stirling, |
| Dellinger, | Mitchell, | Swope, |
| Dennis, | Miller, | Sykes, |
| Dent, | Morgan, | Thomas, |
| Duvall, | Mullikin, | Thruston, |
| Earle, | Murray, | Turner, |
| Ecker, | Negley, | Valliant, |
| Edelen, | Nyman, | Wickard, |
| Galloway, | Parran, | Wilmer, |
| Hebb, | Peter, | Wooden—63. |
| Hollyday, | | |

So the question upon its adoption was decided in the negative.

Mr. Chambers submitted the following amendment:

Strike out all after the words “per annum,” in the second line, and insert “and no higher rate shall be taken or demanded; provided, it shall be lawful for parties loaning money on bond, mortgage, judgment or other security, to contract for the payment of taxes and dues to the United States, the State or county, and all other public dues, by the borrower, so as to retain to the lender the clear amount of the legal interest;”

On motion of Mr. Thruston,

The question was divided,

The question being on the adoption of the first clause of amendment,

Mr. Thomas demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|------------------|--------------------|
| Messrs. | Hebb, | Pugh, |
| Abbott, | Hollyday, | Purnell, |
| Audoun, | Horse, | Ridgely, |
| Berry, of P. Geo. | Johnson, | Robinette, |
| Blackiston, | Jones, of Cecil, | Russell, |
| Bond, | Jones, of Som., | Sands, |
| Briscoe, | Keefer, | Schley, |
| Carter, | Kennard, | Schlosser, |
| Chambers, | King, | Smith, of Carroll, |
| Clarke, | Lee, | Smith, of Dor., |
| Crawford, | Mayhugh, | Smith, of Wor., |

| | | |
|-------------|-----------|------------|
| Cunningham, | McComas, | Stirling, |
| Dellinger, | Mitchell, | Swope, |
| Dennis, | Miller, | Sykes, |
| Dent, | Morgan, | Thomas, |
| Duvall, | Mullikin, | Thruston, |
| Earle, | Murray, | Turner, |
| Ecker, | Nyman, | Wickard, |
| Edelen, | Parran, | Wilmer, |
| Gale, | Peter, | Wooden—59. |
| Galloway, | | |

NEGATIVE.

| | | |
|--------------|---------|--------------|
| Messrs. | Hatch, | Parker, |
| Billingsley, | Hopper, | Sneary, |
| Cushing, | Larsh, | Valliant—10. |
| Daniel, | Negley, | |

So the question upon its adoption was decided in the affirmative.

The question recurring upon the adoption of the second clause of the amendment,

Mr. Wickard demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|------------------|------------------|------------|
| Messrs. | Gale, | Mitchell, |
| Berry, of P. G., | Galloway, | Miller, |
| Billingsley, | Hebb, | Peter, |
| Blackiston, | Hollyday, | Pugh, |
| Bond, | Hopper, | Sneary, |
| Chambers, | Jones, of Cecil, | Stirling, |
| Clarke, | Kennard, | Thruston, |
| Duvall, | King, | Valliant, |
| Earle, | McComas, | Wilmer—27. |
| Edelen, | | |

NEGATIVE.

| | | |
|-------------|-----------------|--------------------|
| Messrs. | Johnson, | Robinette, |
| Abbott, | Jones, of Som., | Russell, |
| Briscoe, | Keefer, | Sands, |
| Carter, | Larsh, | Schley, |
| Crawford, | Lee, | Schlosser, |
| Cunningham, | Mayhugh, | Smith, of Carroll, |
| Cushing, | Morgan, | Smith of Dor., |
| Daniel, | Mullikin, | Smith, of Wor., |

| | | |
|-------------|----------|------------|
| Dellinger,§ | Murray, | Swope, |
| Dennis, | Negley, | Sykes, |
| Dent, | Nyman, | Thomas, |
| Ecker, | Parker, | Turner, |
| Hatch, | Parran, | Wickard, |
| Hopkins, | Purnell, | Wooden—43. |
| Horsey, | Ridgely, | |

So the question upon its adoption was decided in the negative.

Mr. Schley submitted the following amendment :

Amend by adding the words : “except in cases where a different rate, not exceeding seven and three-tenths per centum per annum, may be agreed upon or contracted for in writing ;”

Decided in the negative.

Mr. Ridgely submitted the following amendment :

Add at the end of the section as follows : “and the Legislature shall provide by law all necessary forfeitures and penalties against usury ;”

Decided in the affirmative.

Mr. Clarke submitted the following amendment :

Strike out the word “be,” in line one and insert “not exceed ;”

Decided in the affirmative.

Mr. Miller submitted the following amendment :

Strike out the word “legal,” in first line ;

Decided in the affirmative.

Mr. Hebb submitted the following amendment :

Strike out the word “Legislature,” and insert the words “General Assembly ;”

Decided in the affirmative.

Mr. Thruston submitted the following amendment :

Strike out all after the word “The,” in the first line, and insert, “legal rate of interest in this State shall be six per centum per annum, except in cases where a different rate may be agreed upon in writing between contracting parties, not exceeding, however, seven and three-tenths per cent. interest

in any case ; and the General Assembly shall pass all laws necessary to carry this section into effect.”

On motion of Mr. Cushing,

The subject was divided.

The question being on the adoption of the first branch of the amendment,

It was decided in the negative.

The question recurring upon the second branch of the amendment,

It was decided in the negative.

The report was then ordered to be engrossed for a third reading.

Mr. Stirling moved to reconsider the vote by which the resolution was adopted adjourning the Convention on the 31st instant.

Decided in the affirmative.

On motion of Mr. Stirling,

The said order was postponed informally.

Messrs. Stockbridge, Clarke, Earle, and Jones, of Somerset, were granted leave of absence for a few days. Messrs. Sands and King for to-morrow, and Mr. Hopkins excused from attending the evening session.

On motion of Mr. Purnell,

The Convention took a recess until 8 o'clock.

EVENING SESSION.

The Convention met at 8 o'clock, P. M.

All the members present except the following :

Messrs. Goldsborough, (President,) Baker, Barron, Belt, Berry, of Baltimore county, Berry, of Prince George's, Brooks,

Clarke, Crawford, Dail, Davis, of Charles, Davis, of Washington, Dennis, Farrow, Greene, Harwood, Hatch, Henkle, Hoffman, Hopkins, Johnson, Jones, of Cecil, Jones, of Somerset, Lansdale, Larsh, Mace, Marbury, Markey, Noble, Peter, Schlosser, Scott, Smith, of Dorchester, Sneary, Stockbridge, Todd, Valliant, Wilmer—38.

Mr. Audoun submitted the following order :

Ordered, That the report of the Committee on the Judiciary Department, with all the amendments proposed thereto, be recommitted to the Committee, with instructions to report the Judiciary system as embraced in the existing Constitution, except so far as the same has been modified by the adoption of the article in the Court of Appeals, and excepting also to report nine Judicial Circuits instead of eight (erecting Baltimore county in a separate circuit,) and also, reporting a provision giving the General Assembly the power to create additional circuits from time to time when required.

Mr. Sands submitted the following amendment :

Amend by striking out the word "nine," and insert "such number of Judicial Circuits as the Committee may deem necessary, to meet the public necessities;"

The question being upon the adoption of the amendment,

Mr. Stirling demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

| | | |
|--------------|-----------|--------------------|
| Messrs. | Gale, | Parker, |
| Abbott, | Galloway, | Parran, |
| Billingsley, | Hebb, | Pugh, |
| Blackiston, | Hodson, | Robinette, |
| Briscoe, | Hollyday, | Russell, |
| Brown, | Horse, | Sands, |
| Chambers, | Lee, | Smith, of Carroll, |
| Cunningham, | McComas, | Swope, |
| Daniel, | Mitchell, | Sykes, |
| Dellinger, | Miller, | Thomas, |
| Dent, | Morgan, | Thruston, |
| Earle, | Negley, | Turner, |
| Ecker, | Nyman, | Wooden—39. |
| Edelen, | | |

NEGATIVE.

| | | |
|----------|-----------|-----------------|
| Messrs. | Keefer, | Purnell, |
| Annan, | Kennard, | Ridgely, |
| Audoun, | King, | Schley, |
| Bond, | Mayhugh, | Smith, of Wor., |
| Carter, | Mullikin, | Stirling, |
| Cushing, | Murray, | Wickard—18. |
| Hopper, | | |

So the question upon its adoption was decided in the affirmative.

Mr. Stirling submitted the following amendment :

Insert after the word “Circuits,” the words “not exceeding twelve;”

Decided in the affirmative.

Mr. Stirling submitted the following amendment :

Amend the order by adding “and that the Committee be instructed to report by Thursday next, at 12 o’clock ;”

Mr. Schley moved to amend by instructing the Committee to report to-morrow at one o’clock ;

The question being on the adoption of the amendment submitted by Mr. Stirling ;

It was determined in the affirmative.

The question recurring upon the adoption of the order as amended,

Mr. Daniel demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------|----------|------------|
| Messrs. | Keefer, | Ridgely, |
| Audoun, | Kennard, | Robinette, |
| Cunningham, | King, | Stirling, |
| Cushing, | Negley, | Thomas, |
| Earle, | Nyman, | Thruston, |
| Ecker, | Parker, | Wickard, |
| Hebb, | Pugh, | Wooden—20. |

NEGATIVE.

| | | |
|---------|---------|-----------|
| Messrs. | Edelen, | Mullikin, |
| Abbott, | Gale, | Murray, |

| | | |
|--------------|-----------|--------------------|
| Annan, | Galloway, | Parran, |
| Billingsley, | Hodson, | Purnell, |
| Blackiston, | Hollyday, | Russell, |
| Bond, | Hopper, | Sands, |
| Briscoe, | Horsey, | Schley, |
| Brown, | Lee, | Smith, of Carroll, |
| Carter, | Mayhugh, | Smith, of Wor. |
| Chambers, | McComas, | Swope, |
| Daniel, | Mitchell, | Sykes, |
| Dellinger, | Miller, | Turner—37. |
| Dent, | Morgan, | |

So the question upon its adoption was decided in the negative.

Mr. Ridgely submitted the following order :

Ordered, that the report of the Committee on the Judiciary Department, with the amendments thereto, be referred to a select Committee of five, with instructions to report a Judiciary system as embraced in the present Constitution, except that portion of the report relating to the Court of Appeals, and with further instructions to report such re-arrangement of the Judicial Circuits as they may deem necessary, not to exceed twelve, and that said Committee report to-morrow at one o'clock ;

Mr. Mayhugh moved to lay the order on the table ;

The question being on the adoption of the motion :

Mr. Ridgely demanded the yeas and nays ;

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|--------------|-----------|--------------------|
| Messrs. | Gale, | Pugh, |
| Billingsley, | Hodson, | Purnell, |
| Blackiston, | Hollyday, | Russell, |
| Bond, | Hopper, | Sands, |
| Briscoe, | Horsey, | Schley, |
| Brown, | Lee, | Smith, of Carroll, |
| Chambers, | Mayhugh, | Smith, of Wor., |
| Cunningham, | Mitchell, | Swope, |
| Daniel, | Miller, | Sykes, |
| Dellinger, | Morgan, | Thruston, |
| Dent, | Murray, | Turner—34. |
| Edelen, | Parran, | |

NEGATIVE.

| | | |
|----------|-----------|------------|
| Messrs. | Galloway, | Nyman, |
| Abbott, | Hebb, | Parker, |
| Annan, | Keefer, | Ridgely, |
| Audoun, | Kennard, | Robinette, |
| Carter, | King, | Stirling, |
| Cushing, | McComas, | Thomas, |
| Earle, | Mullikin, | Wickard, |
| Ecker, | Negley, | Wooden—23. |

So the question upon its adoption was decided in the affirmative.

Mr. Chambers moved that the Convention do now adjourn.

The question being on the adoption of the motion,

Mr. Stirling demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|--------------|-----------|--------------------|
| Messrs. | Hopper, | Parker, |
| Billingsley, | Horsey, | Parran, |
| Blackiston, | Kennard, | Russell, |
| Brown, | King, | Sands, |
| Chambers, | Lee, | Smith, of Carroll, |
| Cunningham, | Mayhugh, | Smith, of Wor., |
| Dellinger, | Mitchell, | Swope, |
| Dent, | Miller, | Sykes, |
| Edelen, | Morgan, | Thruston, |
| Gale, | Mullikin, | Turner—31. |
| Hollyday, | Murray, | |

NEGATIVE.

| | | |
|----------|-----------|------------|
| Messrs. | Ecker, | Purnell, |
| Abbott, | Galloway, | Ridgely, |
| Annan, | Hebb, | Robinette, |
| Audoun, | Keefer, | Schley, |
| Carter, | McComas, | Stirling, |
| Cushing, | Negley, | Thomas, |
| Daniel, | Nyman, | Wickard, |
| Earle, | Pugh, | Wooden—23. |

So the Convention adjourned.

WEDNESDAY, August 24th, 1864.

The Convention met at 10 o'clock, A. M.

Prayer by the Rev. Mr. Owen.

All the members present except the following :

Messrs. Baker, Barron, Berry, of Baltimore county, Berry, of Prince George's, Brooks, Chambers, Clarke, Crawford, Dail, Davis, of Charles, Davis, of Washington, Dennis, Earle, Greene, Harwood, Henkle, Jones, of Somerset, King, Lansdale, Mace, Marbury, Markey, Noble, Peter, Sands, Schlosser, Scott, Smith, of Dorchester, Todd, Wilmer—31.

The proceedings of yesterday were read and approved.

Mr. Purnell moved to re-consider the vote by which an order was passed on the 7th of July, limiting debate to thirty minutes ;

Decided in the affirmative.

Mr. Purnell moved to amend said order by striking out all after the word "that," in the first line, and inserting the words "the time allowed each member for debate on any question before the Convention be limited to five minutes, that no extension of time be granted except by a unanimous vote of the members present ;"

Mr. Dent moved to amend by inserting "twenty minutes ;"

Mr. Daniels moved to amend by striking out the words "unanimous vote," and inserting the words "two-thirds ;"

Mr. Mulliken called the previous question,

The question being,

"Shall the main question be now put?"

Mr. Chambers demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|------------------|------------|
| Messrs. | Hebb, | Parker, |
| Goldsborough, P't | Hopkins, | Pugh, |
| Abbott, | Hopper, | Purnell, |
| Annan, | Jones, of Cecil, | Robinette, |

| | | |
|-------------|-----------|-----------------|
| Audoun, | Keefer, | Russell, |
| Carter, | Kennard, | Schley, |
| Cunningham, | Mayhugh, | Smith, of Wor., |
| Cushing, | McComas, | Sneary, |
| Dellinger, | Mullikin, | Stirling, |
| Farrow, | Murray, | Thruston, |
| Galloway, | Negley, | Wooden—34. |
| Hatch, | Nyman, | |

NEGATIVE.

| | | |
|--------------|-----------|--------------------|
| Messrs. | Edelen, | Morgan, |
| Belt, | Gale, | Parran, |
| Billingsley, | Hodson, | Ridgely, |
| Blackiston, | Hoffman, | Smith, of Carroll, |
| Bond, | Hollyday, | Stockbridge, |
| Briscoe, | Horsey, | Swope, |
| Brown, | Johnson, | Sykes, |
| Chambers, | Larsh, | Thomas, |
| Daniel, | Lee, | Turner, |
| Dent, | Mitchell, | Valliant, |
| Ecker, | Miller, | Wickard—32. |

So the call for the previous question was sustained ;

The question then being on the adoption of the amendment submitted by Mr. Dent ;

Mr. Dent demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|-----------|--------------------|
| Messrs. | Duvall, | Miller, |
| Goldsborough, P't | Ecker, | Morgan, |
| Audoun, | Edelen, | Negley, |
| Belt, | Gale, | Parker, |
| Billingsley, | Hodson, | Parran, |
| Blackiston, | Hoffman, | Ridgely, |
| Bond, | Hollyday, | Smith, of Carroll, |
| Briscoe, | Hopkins, | Sneary, |
| Brown, | Horsey, | Swope, |
| Carter, | Johnson, | Sykes, |
| Chambers, | Larsh, | Thomas, |
| Daniel, | Lee, | Turner, |
| Dellinger, | Mayhugh, | Valliant—40. |
| Dent, | Mitchell, | |

NEGATIVE.

| | | |
|-------------|------------------|-----------------|
| Messrs. | Jones, of Cecil, | Robinette, |
| Abbott, | Keefer, | Russell, |
| Annan, | Kennard, | Schley, |
| Cunningham, | McComas, | Smith, of Wor., |
| Cushing, | Mullikin, | Stirling, |
| Farrow, | Murray, | Stockbridge, |
| Galloway, | Nyman, | Thruston, |
| Hatch, | Pugh, | Wickard, |
| Hebb, | Purnell, | Wooden—27. |
| Hopper, | | |

So the question upon its adoption was decided in the affirmative.

The question recurring upon the adoption of the amendment submitted by Mr. Daniels ;

Mr. Daniels demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|-------------|------------|
| Messrs. | Cunningham, | Larsh, |
| Goldsborough, P't | Daniel, | Lee, |
| Abbott, | Dellinger, | Mayhugh, |
| Annan, | Dent, | Mitchell, |
| Audoun, | Duvall, | Miller, |
| Belt, | Edelen, | Morgan, |
| Billingsley, | Gale, | Negley, |
| Blackiston, | Hodson, | Parran, |
| Bond, | Hoffman, | Ridgely, |
| Briscoe, | Hollyday, | Sneary, |
| Brown, | Horsey, | Thomas, |
| Chambers, | Johnson, | Turner—35. |

NEGATIVE.

| | | |
|------------------|------------|--------------------|
| Messrs. | Keefer, | Schley, |
| Carter, | Kennard, | Smith, of Carroll, |
| Cushing, | McComas, | Smith, of Wor., |
| Ecker, | Mullikin, | Stirling, |
| Farrow, | Murray, | Stockbridge, |
| Galloway, | Nyman, | Swope, |
| Hatch, | Parker, | Sykes, |
| Hebb, | Pugh, | Thruston, |
| Hopkins, | Purnell, | Valliant, |
| Hopper, | Robinette, | Wickard, |
| Jones, of Cecil, | Russell, | Wooden—32. |

So the question upon its adoption was decided in the affirmative.

The order as amended was then adopted.

Mr. Hopkins gave notice that at the proper time he would submit the following amendment to the report of the Committee on the Legislative Department:

“The Legislature shall foster and encourage moral, intellectual, scientific and agricultural improvement; they shall when it may be practicable, make suitable provision for the blind, mute and insane, and for the organization of such institutions of learning as the best interests of the State may demand;”

Mr. Audoun submitted the following order :

Ordered, That the President appoint an assistant Secretary, to serve during the absence of Mr. Shaw, and that the Secretary be allowed extra per diem for such time as he has been acting as assistant Secretary.

Which was adopted.

Mr. Wickard submitted the following order :

Ordered, That the Assistant Secretary be allowed extra pay for the time that he acted as Secretary, in the absence of the Secretary.

Which was adopted.

The Convention proceeded to the consideration of the report of the Committee on the Judiciary Department.

Mr. Stirling moved to take up the sections which had been informally passed over;

Decided in the affirmative.

Mr. Abbott submitted the following amendment :

Sec. 3. Strike out the words “shall be appointed,” and insert the words “when elected shall be;”

Decided in the affirmative.

Mr. Hebb submitted the following amendment :

Sec. 3. Strike out all after the word “Judges,” in the first line, to the word “each,” in the third line, and insert:

“Of the Court of Appeals shall be elected by the qualified voters of the State, and the Governor, by and with the advice and consent of the Senate, shall designate the Chief Justice;

and the Judge of the Judicial Circuits shall be elected by the qualified voters of their respective circuits;”

On motion of Mr. Billingsley,

The subject was divided ;

The question being on the adoption of the first clause of the amendment, to wit :

“Of the Court of Appeals shall be elected by the qualified voters of the State;”

Mr. Chambers demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------|------------------|--------------------|
| Messrs. | Hopper, | Robinette, |
| Abbott, | Jones, of Cecil, | Russell, |
| Annan, | Keefer, | Schley, |
| Audoun, | Larsh, | Smith, of Carroll, |
| Cunningham, | Mayhugh, | Sneary, |
| Cushing, | McComas, | Stirling, |
| Daniel, | Mullikin, | Swope, |
| Dellinger, | Murray, | Sykes, |
| Ecker, | Negley, | Thomas, |
| Farrow, | Nyman, | Thruston, |
| Galloway, | Parker, | Valliant, |
| Hebb, | Pugh, | Wickard, |
| Hoffman, | Purnell, | Wooden—40. |
| Hopkins, | Ridgely, | |

NEGATIVE.

| | | |
|-------------------|-----------|--------------|
| Messrs. | Chambers, | Johnson, |
| Goldsborough, P't | Dent, | Lee, |
| Belt, | Duvall, | Mitchell, |
| Berry, of P. Geo. | Edelen, | Miller, |
| Billingsley, | Gale, | Morgan, |
| Blackiston, | Hodson, | Parran, |
| Bond, | Hollyday, | Stockbridge, |
| Briscoe, | Horsey, | Turner—24. |
| Brown, | | |

So the question upon its adoption was decided in the affirmative.

The question next being on the adoption of the second clause of the amendment, to wit:

“And the Governor by and with the advice and consent of the Senate, shall designate the Chief Justice;”

It was decided in the affirmative.

The question recurring upon the adoption of the third branch of the amendment, to wit:

“And the Judge of the Judicial Circuits shall be elected by the qualified voters of their respective Circuits;”

It was decided in the affirmative.

Mr. Hebb submitted the following amendment :

Sec. 3. Strike out all after the word “each,” in the third line and insert the words “each Judge of the Court of Appeals, and of each Judicial Circuit shall hold his office for the term of ten years from the time of his election, or until he shall have attained the age of seventy years, which ever may first happen and be re-eligible thereto until he shall have attained the age of seventy years and not after;”

Mr. Chambers submitted the following amendment to the amendment :

“Strike out the words “for the term of ten years, from the time of his election, or until he shall have attained the age of seventy years, whichever shall first happen,” and insert the words “during good behavior, or until he shall attain the age of sixty-five years;”

The question being on the adoption of the amendment to the amendment,

Mr. Berry, of Prince George’s, demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows:

AFFIRMATIVE.

| | | |
|------------------|-----------|--------------|
| Messrs. | Farrow, | Pugh, |
| Berry, of P. G., | Hollyday, | Russell, |
| Blackiston, | Hopkins, | Stirling, |
| Bond, | Horsey, | Stockbridge, |
| Brown, | Mille, | Sykes, |
| Chambers, | Nyman, | Thruston, |
| Cushing, | Parker, | Valliant—21. |
| Dent, | | |

NEGATIVE.

| | | |
|-------------------|------------------|--------------------|
| Messrs. | Hatch, | Murray, |
| Goldsborough, P't | Hebb, | Negley, |
| Abbott, | Hoffman, | Parran, |
| Annan, | Hopper, | Purnell, |
| Audoun, | Johnson, | Ridgely, |
| Billingsley, | Jones, of Cecil, | Robinette, |
| Briscoe, | Keefer, | Schley, |
| Cunningham, | Kennard, | Smith, of Carroll, |
| Daniel, | Larsh, | Smith, of Wor., |
| Dellinger, | Lee, | Sneary, |
| Duvall, | Mayhugh, | Swope, |
| Ecker, | McComas, | Thomas, |
| Edelen, | Mitchell, | Turner, |
| Gale, | Morgan, | Wickard, |
| Galloway, | Mullikin, | Wooden—44. |

So the question upon its adoption was decided in the negative.

Mr. Berry, of Prince George's, submitted the following amendment to the amendment:

Strike out the word "ten," and insert the word "twenty;"

The question being on the adoption of the amendment to the amendment,

Mr. Berry, of Prince George's, demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|------------------|--------------|
| Messrs. | Dent, | Parker, |
| Goldsborough, Pt. | Ecker, | Pugh, |
| Abbott, | Farrow, | Russell, |
| Berry, of P. G. | Hodson, | Stirling, |
| Blackiston, | Hollyday, | Stockbridge, |
| Bond, | Hopkins, | Sykes, |
| Chambers, | Horsey, | Thruston, |
| Cushing, | Jones, of Cecil, | Valliant—25. |
| Daniel, | Nyman, | |

NEGATIVE.

| | | |
|--------------|----------|----------|
| Messrs. | Hopper, | Parran, |
| Annan, | Johnson, | Purnell, |
| Billingsley, | Keefer, | Ridgely, |

| | | |
|-------------|-----------|--------------------|
| Briscoe, | Kennard, | Robinette, |
| Brown, | Larsh, | Schley, |
| Cunningham, | Lee, | Smith, of Carroll, |
| Dellinger, | Mayhugh, | Smith, of Wor., |
| Duvall, | McComas, | Sneary, |
| Edelen, | Mitchell, | Swope, |
| Gale, | Miller, | Thomas, |
| Galloway, | Morgan, | Turner, |
| Hatch, | Mullikin, | Wickard, |
| Hebb, | Murray, | Wooden—40. |
| Hoffman, | Negley, | |

So the question upon its adoption was decided in the negative.

Mr. Thruston submitted the following amendment to the amendment:

Strike out the word "ten," and insert the word "six;"

The question being on the adoption of the amendment to the amendment,

Mr. Chambers demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows:

AFFIRMATIVE.

| | | |
|----------|------------|-------------|
| Messrs. | Hodson, | Stirling, |
| Annan, | Keefer, | Thruston, |
| Carter, | Miller, | Turner, |
| Cushing, | Robinette, | Wickard—11. |

NEGATIVE.

| | | |
|--------------------|------------------|--------------------|
| Messrs. | Hatch, | Negley, |
| Goldsborough, P't | Hebb, | Nyman, |
| Abbott, | Hoffman, | Parker, |
| Berry, of P. Geo., | Hollyday, | Parran, |
| Billingsley, | Hopkins, | Pugh, |
| Blackiston, | Hopper, | Purnell, |
| Bond, | Horsey, | Ridgely, |
| Briscoe, | Johnson, | Russell, |
| Brown, | Jones, of Cecil, | Schley, |
| Chambers, | Kennard, | Smith, of Carroll, |
| Cunningham, | Larsh, | Smith, of Wor., |
| Daniel, | Lee, | Sneary, |
| Dellinger, | Mayhugh, | Stockbridge, |
| Dent, | McComas, | Swope, |
| Duvall, | Mitchell, | Sykes, |

Edelen,
Farrow,
Gale,
Galloway,

Morgan,
Mullikin,
Murray,

Thomas,
Valliant,
Wooden—53.

So the question upon its adoption was decided in the negative.

Mr. Negley submitted the following amendment to the amendment:

Strike out all after the word “of,” and insert the words “fifteen years, and be ineligible to re-election.”

On motion of Mr. Thruston,

The subject was divided.

The question being on the adoption of the first clause of the amendment, to wit: “fifteen years,”

Mr. Negley demanded the yeas and nays;

The demand being sustained,

The yeas and nays were called, and appeared as follows:

AFFIRMATIVE.

| | | |
|-------------------|------------------|--------------------|
| Messrs. | Hoffman, | Pugh, |
| Goldsborough, P't | Hollyday, | Purnell, |
| Abbott, | Hopkins, | Ridgely, |
| Belt, | Hopper, | Russell, |
| Blackiston, | Horsey, | Smith, of Carroll, |
| Bond, | Johnson, | Smith, of Wor. |
| Brown, | Jones, of Cecil, | Sneary, |
| Carter, | Larsh, | Stirling, |
| Chambers, | Miller, | Stockbridge, |
| Daniel, | Murray, | Sykes, |
| Dellinger, | Negley, | Thruston, |
| Farrow, | Parker, | Valliant—35. |

NEGATIVE.

| | | |
|--------------|-----------|------------|
| Messrs. | Galloway, | Morgan, |
| Annan, | Hatch, | Mullikin, |
| Audoun, | Hebb, | Nyman, |
| Billingsley, | Hodson, | Parran, |
| Briscoe, | Keefer, | Robinette, |
| Cunningham, | Kennard, | Swope, |
| Dent, | Lee, | Thomas, |
| Duvall, | Mayhugh, | Turner, |
| Ecker, | McComas, | Wickard, |
| Edelen, | Mitchell, | Wooden—30. |
| Gale, | | |

So the question upon its adoption was decided in the affirmative.

The question recurring upon the adoption of the second clause of the amendment, to wit: "and be ineligible to re-election,"

Mr. Thomas demanded the yeas and nays ;

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|--------------|------------------|-------------|
| Messrs. | Galloway, | Murray, |
| Abbott, | Hatch, | Negley, |
| Audoun, | Hodson, | Pugh, |
| Billingsley, | Hollyday, | Purnell, |
| Briscoe, | Hopper, | Russell, |
| Brown, | Johnson, | Sneary, |
| Chambers, | Jones, of Cecil, | Turner, |
| Daniel, | Mayhugh, | Valliant, |
| Ecker, | McComas, | Wickard—27. |
| Gale, | Miller, | |

NEGATIVE.

| | | |
|--------------------|-----------|--------------------|
| Messrs. | Hoffman, | Ridgely, |
| Goldsborough, P't | Hopkins, | Robinette, |
| Annan, | Horseý, | Schley, |
| Belt, | Keefer, | Smith, of Carroll, |
| Berry, of P. Geo., | Kennard, | Smith, of Wor., |
| Blackiston, | Larsh, | Stirling, |
| Bond, | Lee, | Stockbridge, |
| Carter, | Mitchell, | Swope, |
| Cunningham, | Morgan, | Sykes, |
| Dent, | Mullikin, | Thomas, |
| Duvall, | Nyman, | Thruston, |
| Farrow, | Parker, | Wooden—37. |
| Hebb, | Parran, | |

So the question upon its adoption was decided in the negative.

Mr. Thomas submitted the following amendment to the amendment :

Strike out the words "or until he shall have attained the age of seventy years, whichever may first happen ;"

Decided in the negative.

The question then recurring upon the adoption of the order submitted by Mr. Hebb, as amended,

It was decided in the affirmative.

The seventh section was then taken up.

Mr. Stirling submitted the following amendment:

Strike out the seventh section of the report ;

Decided in the affirmative.

The ninth section was then taken up.

On motion of Mr. Negley,

The consideration of the section was again informally passed over.

The twelfth section was then taken up.

Mr. Berry, of Prince George's moved to reconsider the vote by which the word "appointed" was stricken out, and the word "elected" inserted.

Mr. Stirling moved a call of the Convention ;

The motion being sustained,

The roll was called, and the following members responded :

Messrs. Goldsborough, (President,) Abbott, Annan, Audoun, Berry, of Prince George's, Billingsley, Blackiston, Briscoe, Brown, Carter, Chambers, Cunningham, Cushing, Daniel, Dellinger, Dent, Ecker, Farrow, Gale, Galloway, Hatch, Hebb, Hodson, Hoffman, Hollyday, Hopkins, Hopper, Horsey, Johnson, Jones, of Cecil, Keefer, Kennard, Larsh, Lee, Mayhugh, McComas, Mitchell, Miller, Morgan, Mullikin, Murray, Negley, Nyman, Parker, Parran, Pugh, Purnell, Ridgely, Robinette, Russell, Schley, Smith, of Carroll, Smith, of Worcester, Sneary, Stirling, Stockbridge, Swope, Sykes, Thomas, Thruston, Valliant, Wickard, Wooden—63.

On motion of Mr. Galloway,

Further proceedings under the call were dispensed with.

The question then recurring upon the motion of Mr. Berry, of Prince George's to re-consider ;

Mr. Berry, of Prince George's, demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|-----------|------------|
| Messrs. | Chambers, | Johnson, |
| Belt, | Daniel, | Lee, |
| Berry, of P. Geo. | Dent, | Mitchell, |
| Billingsley, | Edelen, | Miller, |
| Blackiston, | Gale, | Morgan, |
| Bond, | Hodson, | Parran, |
| Briscoe, | Hollyday, | Pugh, |
| Brown, | Horsey, | Turner—23. |

NEGATIVE.

| | | |
|-------------------|------------------|--------------------|
| Messrs. | Hopkins, | Robinette, |
| Goldsborough, P't | Hopper, | Russell, |
| Abbott, | Jones, of Cecil, | Schley, |
| Annan, | Keefer, | Smith, of Carroll, |
| Audoun, | Kennard, | Smith, of Wor., |
| Carter, | Larsh, | Sneary, |
| Cunningham, | Mayhugh, | Stirling, |
| Cushing, | McComas, | Swope, |
| Dellinger, | Mullikin, | Sykes, |
| Duval, | Murray, | Thomas, |
| Ecker, | Negley, | Thruston, |
| Farrow, | Nyman, | Valliant, |
| Galloway, | Parker, | Wickard, |
| Hatch, | Purnell, | Wooden—43. |
| Hebb, | Ridgely, | |

So the question upon its adoption was decided in the negative.

Mr. Ridgely submitted the following amendment :

Insert as an additional section, the following:

“Sec. —. The Judge or Judges of any Court may appoint such officers for their respective Courts, as may be found necessary, and it shall be the duty of the General Assembly to prescribe by law a fixed compensation for all such officers ;”

The question being on the adoption of the amendment;

Mr. Ridgely demanded the yeas and nays ;

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|-----------|---------|
| Messrs. | Galloway, | Murray, |
| Goldsborough, Pt. | Hatch, | Negley, |

| | | |
|--------------------|------------------|--------------------|
| Abbott, | Hebb, | Nyman, |
| Annan, | Hodson, | Parker, |
| Audoun, | Hoffman, | Pugh, |
| Belt, | Hollyday, | Purnell, |
| Berry, of P. Geo., | Hopkins, | Ridgely, |
| Billingsley, | Hopper, | Russell, |
| Blackiston, | Horsey, | Smith, of Carroll, |
| Bond, | Johnson, | Smith, of Wor., |
| Carter, | Jones, of Cécil, | Sneary, |
| Chambers, | Kennard, | Swope, |
| Cunningham, | Larsh, | Sykes, |
| Daniel, | Mayhugh, | Thomas, |
| Dent, | McComas, | Turner, |
| Duvall, | Mitchell, | Valliant, |
| Ecker, | Miller, | Wickard, |
| Edelen, | Morgan, | Wooden—54. |
| Farrow, | | |

NEGATIVE.

| | | |
|----------|-----------|--------------|
| Messrs. | Keefer, | Robinette, |
| Briscoe, | Lee, | Schley, |
| Brown, | Mullikin, | Stirling, |
| Cushing, | Parran, | Thruston—11. |

So the question upon its adoption was decided in the affirmative.

On motion of Mr. Miller,

The Convention returned to the consideration of section fifteen.

Mr. Miller submitted the following amendment:

Sec. 15. Strike out the word "six," in the fourth line, and insert the word "three;"

Decided in the affirmative.

Messrs. Stockbridge and Berry, of Prince George's, were excused from attending the sessions of the Convention for a few days, and Messrs. Daniel, Wickard and Ridgely, the session this evening, and Mr. Mulliken to-morrow.

Section 19, was then taken up.

Mr. Hebb submitted the following amendment:

Sec. 19. Strike out all after the word "the," in the first and insert:

"State shall be divided into twelve Judicial Circuits, in maner following: The counties of St. Mary's Charles and

Prince George's, shall constitute the first Circuit ; the counties of Anne Arundel, Calvert and Montgomery, the second ; the county of Frederick, the third ; the county of Washington the fourth ; the county of Allegany, the fifth ; the counties of Carroll and Howard, the sixth ; the county of Baltimore, the seventh ; the counties of Harford and Cecil, the eighth ; the counties of Kent, Queen Anne's and Talbot, the ninth ; the counties of Caroline and Dorchester, the tenth ; the counties of Somerset and Worcester, the eleventh ; and the city of Baltimore, the twelfth."

Mr. Miller submitted the following amendment :

Strike out section 19, and insert :

"Sec. 19. There shall be a Judge for each county in the State, who shall be elected by the legal and qualified voters of the several counties. He shall be a resident for one year in the county for which he may be elected next before the time of his election, and shall reside in the county for which he is elected, while he continues to act as Judge.

Pending the consideration of which,

On motion of Mr. Purnell,

The Convention took a recess until 8 o'clock.

EVENING SESSION.

The Convention met at 8 o'clock, P. M.

All the members present except the following:

Messrs. Audoun, Baker, Barron, Berry, of Baltimore county, Bond, Brooks, Carter, Clarke, Dail, Daniel, Davis, of Charles, Davis of Washington, Dennis, Earle, Greene, Harwood, Hatch, Henkle, Jones, of Cecil, Jones, of Somerset, Larsh, Mace, Marbury, Markey, Noble, Peter, Ridgely, Schlosser, Scott, Smith, of Dorchester, Sneary, Stockbridge, Todd, Valliant, Wickard, Wilmer—36.

The Convention resumed the consideration of the report of the Committee on the Judiciary Department.

The question being on the amendment submitted by Mr. Miller, to the amendment of Mr. Hebb,

Mr. Mayhugh demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

| | | |
|--------------------|-----------|--------------------|
| Messrs. | Duvall, | Morgan, |
| Belt, | Edelen, | Negley, |
| Berry, of P. Geo., | Gale, | Nyman, |
| Billingsley, | Hollyday, | Parran, |
| Blackiston, | Horsey, | Purnell, |
| Briscoe, | Johnson, | Smith, of Carroll, |
| Brown, | Lansdale, | Smith, of Wor., |
| Chambers, | Lee, | Swope, |
| Crawford, | Mitchell, | Thruston, |
| Dent, | Miller, | Turner—29. |

NEGATIVE.

| | | |
|-------------------|-----------|------------|
| Messrs. | Hoffman, | Pugh, |
| Goldsborough, P't | Hopkins, | Robinette, |
| Abbott, | Hopper, | Russell, |
| Annan, | Keefer, | Sands, |
| Cunningham, | Kennard, | Schley, |
| Cushing, | King, | Stirling, |
| Ecker, | Mayhugh, | Sykes, |
| Farrow, | McComas, | Thomas, |
| Galloway, | Mullikin, | Wooden—28. |
| Hebb, | Parker, | |

So the question upon its adoption was decided in the affirmative.

Mr. Keefer moved that the Convention do now adjourn ;

The question being on the adoption of the motion ;

Mr. Smith, of Carroll, demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------|-----------|-----------|
| Messrs. | Galloway, | Mayhugh, |
| Abbott, | Hoffman, | McComas, |
| Chambers, | Hopper, | Mullikin, |
| Crawford, | Horsey, | Schley, |
| Cunningham, | Keefer, | Stirling, |

Cushing,
Dellinger,
Gale,

Kennard,
King,

Thomas,
Wooden—21.

NEGATIVE.

Messrs.
Goldsborough, P't
Annan,
Belt,
Berry, of P. Geo.,
Billingsley,
Blackiston,
Briscoe,
Brown,
Dent,
Duvall,
Ecker,
Edelen,
Farrow,

Hebb,
Hodson,
Hollyday,
Hopkins,
Johnson,
Lansdale,
Lee,
Mitchell,
Miller,
Morgan,
Murray,
Negley,
Nyman,

Parker,
Parran,
Pugh,
Purnell,
Robinette,
Russell,
Sands,
Smith of Car.
Smith, of Wor.,
Swope,
Sykes,
Thruston,
Turner—39.

So the question upon its adoption was decided in the negative.

Mr. Hebb moved a call of the Convention ;

Which was not sustained,

Mr. Kennard moved that the Convention do now adjourn ;

The question being on the adoption of the motion :

Mr. Negley demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

Messrs.
Abbott,
Annan,
Cunningham,
Cushing,
Dellinger,
Ecker,
Farrow,
Galloway,
Hebb,
Hoffman,
Hopper,

Horseý,
Johnson,
Keefer,
Kennard,
King,
Mayhugh,
McComas,
Mullikin,
Murray,
Nyman,
Parker,
Pugh,

Purnell,
Robinette,
Russell,
Sands,
Schley,
Smith, of Carroll,
Smith, of Wor.,
Stirling,
Swope,
Sykes,
Thomas,
Wooden—35.

NEGATIVE.

| | | |
|-------------------|-----------|--------------|
| Messrs. | Crawford, | Lee, |
| Goldsborough, P't | Dent, | Mitchell, |
| Belt, | Duvall, | Miller, |
| Berry, of P. Geo. | Edelen, | Morgan, |
| Billingsley, | Gale, | Negley, |
| Blackiston, | Hodson, | Parran, |
| Briscoe, | Hollyday, | Thruston, |
| Brown, | Hopkins, | Turner — 25. |
| Chambers, | Lansdale, | |

So the Convention adjourned.

THURSDAY, August 25th, 1864.

The Convention met at 10 o'clock, A. M.

Prayer by the Rev. Mr. Owen.

All the members present except the following :

Messrs. Baker, Barron, Belt, Berry, of Baltimore county, Berry, of Prince George's, Clarke, Dail, Davis, of Charles, Dennis, Earle, Harwood, Henkle, Jones, of Cecil, Jones, of Somerset, Mace, Marbury, Mullikin, Noble, Scott, Stockbridge, Valliant—21.

The proceedings of yesterday were read and approved.

Mr. Wickard moved to reconsider the vote by which the report on Interest and Usury Laws was ordered to be engrossed for a third reading ;

Decided in the negative.

The Convention proceeded to the consideration of the Report of the Committee on the Judiciary Department ;

The question being on the amendment submitted by Mr. Hebb as amended by Mr. Miller ;

Mr. Schley submitted the following amendment to the amendment:

Add to the amendment the words "the salary of the Cir-

cuit Judges shall be levied and paid by the respective counties, in which they act ;”

The question being on the adoption of the amendment to the amendment :

Mr. Audoun demanded the yeas and nays;

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|------------------|----------|--------------------|
| Messrs. | Hatch, | Robinette, |
| Abbott, | Hebb, | Russell, |
| Annan, | Hoffman, | Sands, |
| Audoun, | Hopkins, | Schley, |
| Brooks, | Hopper, | Smith, of Carroll, |
| Cunningham, | Keefer, | Sneary, |
| Cushing, | Kennard, | Stirling, |
| Daniel, | King, | Swope, |
| Davis, of Wash., | Larsh, | Sykes, |
| Dellinger, | Markey, | Thomas, |
| Ecker, | McComas, | Wickard, |
| Galloway, | Nyman, | Wooden—36. |
| Greene, | | |

NEGATIVE.

| | | |
|-------------------|-----------|----------------|
| Messrs. | Farrow, | Parker, |
| Goldsborough, P't | Gale, | Parran, |
| Billingsley, | Henkle, | Peter, |
| Blackiston, | Hollyday, | Pugh, |
| Bond, | Horsey, | Purnell, |
| Briscoe, | Johnson, | Ridgely, |
| Brown, . | Lansdale, | Schlosser, |
| Carter, | Lee, | Smith, of Dor. |
| Chambers, | Mayhugh, | Smith, of Wor. |
| Crawford, | Mitchell, | Thruston, |
| Dennis, | Miller, | Todd, |
| Dent, | Morgan, | Turner, |
| Duvall, | Murray, | Wilmer—40. |
| Edelen, | Negley, | |

So the question upon its adoption was decided in the negative.

Mr. Keefer submitted the following amendment :

Strike out in the second line, the words “several counties,” and insert the words “State at large;”

Decided in the negative.

The question then recurring upon the adoption of the amendment of Mr. Hebb, as amended.

Mr. Pugh demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|--------------|-----------|--------------------|
| Messrs. | Gale, | Negley, |
| Billingsley, | Henkle, | Parran, |
| Blackiston, | Hodson, | Peter, |
| Bond, | Hollyday, | Smith, of Carroll, |
| Briscoe, | Horsey, | Smith of Dor., |
| Brown, | Johnson, | Smith, of Wor., |
| Chambers, | Lansdale, | Swope, |
| Crawford, | Lee, | Thruston, |
| Dennis, | Mitchell, | Todd, |
| Dent, | Miller, | Turner, |
| Duvall, | Morgan, | Wilmer—33. |
| Edelen, | | |

NEGATIVE.

| | | |
|-------------------|----------|------------|
| Messrs. | Greene, | Parker, |
| Goldsborough, P't | Hatch, | Pugh, |
| Abbott, | Hebb, | Purnell, |
| Annan, | Hoffman, | Ridgely, |
| Audoun, | Hopkins, | Robinette, |
| Brooks, | Hopper, | Russell, |
| Carter, | Keefer, | Sands, |
| Cunningham, | Kennard, | Schley, |
| Cushing, | King, | Schlosser, |
| Daniel, | Larsh, | Sneary, |
| Davis, of Wash., | Markey, | Stirling, |
| Dellinger, | Mayhugh, | Sykes, |
| Ecker, | McComas, | Thomas, |
| Farrow, | Murray, | Wickard, |
| Galloway, | Nyman, | Wooden—44. |

So the question upon its adoption was decided in the negative.

Mr. Hebb submitted the following amendment :

Strike out all after the word "the," in the first line, and insert:

"State shall be divided into thirteen Judicial Circuits, in manner following: The counties of St. Mary's and Charles, shall constitute the first Circuit; the counties of Anne Arundel

and Calvert, the second; the counties of Prince George's and Montgomery, the third; the county of Frederick, the fourth; the county of Washington, the fifth; the county of Allegany, the sixth; the counties of Carroll and Howard, the seventh; the county of Baltimore, the eighth; the counties of Harford and Cecil, the ninth; the counties of Kent and Queen Anne's, the tenth; the counties of Talbot and Caroline, the eleventh; the counties of Dorchester, Somerset and Worcester, the twelfth, and the city of Baltimore, the thirteenth."

Mr. Dennis submitted the following amendment to the amendment:

Amend the amendment by transposing Dorchester county from the twelfth circuit, to the eleventh circuit, with Talbot and Caroline counties;

Decided in the negative.

Mr. Belt submitted the following amendment to the amendment:

Transpose Prince George's from the third circuit, and attach it to Charles and St Mary's, first district;

Decided in the negative.

The question recurring upon the adoption of the amendment submitted by Mr. Hebb;

Mr. Dennis demanded the yeas and nays;

The demand being sustained,

The yeas and nays were called, and appeared as follows:

AFFIRMATIVE.

| | | |
|-------------------|----------|-----------------|
| Messrs. | Hebb, | Parran, |
| Goldsborough, P't | Henkle, | Pugh, |
| Abbott, | Hoffman, | Purnell, |
| Audoun, | Hopkins, | Ridgely, |
| Blackiston, | Hopper, | Robinette, |
| Bond, | Johnson, | Russell, |
| Brooks, | Keefer, | Sands, |
| Carter, | Kennard, | Schley, |
| Chambers, | King, | Smith, of Dor., |
| Cunningham, | Larsh, | Smith, of Wor., |
| Cushing, | Markey, | Sneary, |
| Davis, of Wash., | McComas, | Sykes, |
| Dellinger, | Miller, | Thomas, |
| Duvall, | Murray, | Thruston, |
| Ecker, | Negley, | Todd, |

Galloway,
Greene,
Hatch,

Nyman,
Parker,

Wickard,
Wooden—52.

NEGATIVE.

Messrs.

Annan,
Belt,
Billingsley,
Briscoe,
Brown,
Crawford,
Daniel,
Dennis,

Dent,
Edelin,
Farrow,
Gale,
Hodson,
Hollyday,
Horsey,
Lansdale.

Lee,
Mitchell,
Morgan,
Peter,
Schlosser,
Smith, of Carroll,
Swope,
Turner—24.

So the question upon its adoption was decided in the affirmative.

Mr. Hebb submitted the following amendment :

Strike out section twenty, and insert :

Sec. 20. One Court shall be held in each county of the State ; the said Courts shall be called Circuit Courts for the county in which they may be held, and shall have and exercise all the power, authority and jurisdiction, original and appellate, which the present Circuit Courts of this State now have and exercise, or which may hereafter be prescribed by law.

Decided in the affirmative.

Mr. Audoun submitted the following amendment :

Amend by striking out all after the word “for,” in the first line, and insert :

“Each Circuit (the 13th excepted) there shall be one Judge, who shall be styled Circuit Judge, who during his term of office, shall reside in one of the counties composing the Circuit for which he may be elected, the the said Judges shall hold a term of their Courts in each of the counties composing their respective Circuits at such times as now are or may hereafter be fixed by law, such terms to be never less than two in each year in each county ; special terms may be held by said Judges in their discretion, whenever the business of their several counties renders such terms necessary ;”

Decided in the affirmative.

Mr. Peter submitted the following amendment :

Add to the section the following :

“It shall be the duty of the Judge elected for any Circuit embracing more than one county to divide his time equally between each county, and he shall be required to reside at the county town one half of his time, in each county where the Circuit embraces two counties, and one third of his time in each county where the Circuit embraces three counties ;”

It was decided in the negative.

On motion of Mr. Galloway,

The rules were suspended, and he submitted the following order :

Ordered, That the Committee on Accounts be instructed not to issue any more certificates for payment of members or officers of this Convention until after its adjournment *sine die*;

Which was adopted.

The Convention resumed the consideration of the report of the Committee on the Judiciary Department.

Mr. Abbott submitted the following amendment :

Sec. 22, line two, strike out the word “three,” and insert the word “two ;”

Mr. Sands moved to amend by striking out “three thousand,” and inserting the words “twenty-five hundred ;”

The question being on the adoption of the amendment submitted by Mr. Sands ;

Mr. Abbott demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|-----------|--------------------|
| Messrs. | Hebb, | Negley, |
| Goldsborough, P't | Hoffman, | Nyman, |
| Abbott, | Hollyday, | Parran, |
| Billingsley, | Hopkins, | Russell, |
| Briscoe, | Hopper, | Sands, |
| Chambers, | Horsey, | Schley, |
| Cunningham, | Johnson, | Schlosser, |
| Daniel, | Keefer, | Smith, of Carroll, |
| Davis, of Wash., | King, | Sneary, |
| Dellinger, | Lansdale, | Swope, |
| Ecker, | Larsh, | Sykes, |

Edelen,
Farrow,
Galloway,
Greene,

Markey,
McComas,
Mitchell,
Morgan,

Thruston,
Todd,
Wooden—43.

NEGATIVE.

Messrs.

Annan,
Audoun,
Blackiston,
Bond,
Brooks,
Brown,
Cushing,
Dennis,
Dent,

Duvall,
Gale,
Hatch,
Henkle,
Kennard,
Lee,
Miller,
Murray,
Parker,
Peter,

Pugh,
Purnell,
Ridgely,
Robinette,
Smith, of Dor.,
Smith, of Wor.,
Stirling,
Stirling,
Thomas,
Wickard—28.

So the question upon its adoption was decided in the affirmative.

Mr. Duvall submitted the following amendment:

Sec. 22. Insert after the words “per annum,” in the second line, the words “except in those Circuits composed of one county, wherein the salary shall be two thousand dollars ;”

The question being on the adoption of the amendment ;

Mr. Peter demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

Messrs.

Abbott,
Billingsley,
Briscoe,
Dennis,
Dent,
Duvall,

Edelen,
Gale,
Hatch,
Henkle,
Hodson,
Horsey,
Johnson,

Lansdale,
Mitchell,
Miller,
Morgan,
Parran,
Peter—19.

NEGATIVE.

Messrs.

Goldsborough, P’t
Annan,
Audoun,
Blackiston,
Bond,
Brooks,

Greene,
Hebb,
Hoffman,
Hollyday,
Hopkins,
Hopper,
Keefer,

Ridgely,
Robinette,
Russell,
Sands,
Schley,
Schlosser,
Smith, of Carroll,

| | | |
|------------------|----------|-----------------|
| Brown, | Kennard, | Smith, of Wor., |
| Carter, | King, | Stirling, |
| Chambers, | Lee, | Swope, |
| Cunningham, | Markey, | Sykes, |
| Cushing, | McComas, | Thomas, |
| Daniel, | Murray, | Thruston, |
| Davis, of Wash., | Nyman, | Todd, |
| Dellinger, | Parker, | Wickard, |
| Farrow, | Pugh, | Wilmer, |
| Galloway, | Purnell, | Wooden—50. |

So the question upon its adoption was decided in the negative.

Mr. Peter submitted the following amendment :

Sec. 23, line three, strike the word "six," and insert the word "ten;"

Decided in the negative.

Mr. Miller submitted the following amendment :

Sec. 23. line three, strike out the word "six," and insert the word "fifteen;"

Decided in the negative.

Mr. Audoun submitted the following amendment :

Amend by adding "and vacancies in said office of Clerk by death, resignation or removal from office, shall be filled by the Judge of the counties or city respectively, for the residue of the term thus made vacant;"

Decided in the negative.

Mr. Parran submitted the following amendment :

Add to end of section 23, the following :

"In the event of any vacancy in the office of the Clerk of any of the Circuit Courts, said vacancy shall be filled by the Judge of said Circuit in which said vacancy occurs until the next general election for county officers, when a Clerk of said Circuit Court shall be elected to serve for six years thereafter;"

Decided in the affirmative.

Mr. Abbott submitted the following amendment :

Insert as an additional section the following :

"Sec. 24. The election for all Judiciary officers shall be held

on the third Wednesday of May in each year, that such officers may be required to be elected, and no other officers except a Judicial one shall be elected at the same time;”

Decided in the negative.

Mr. Thomas submitted the following amendment :

Insert as an additional section the following:

“Sec. 24. In case of the death, resignation, removal or other disqualification of a Judge by the Courts of this State, the Governor by, and with the advice and consent of the Senate, shall thereupon appoint a person duly qualified, to fill said office until the next general election for members to the General Assembly thereafter, at which time an election shall be held as herein prescribed, for a Judge, who shall hold said office for the term of fifteen years, and until the election and qualification of his successor;”

Decided in the affirmative

Mr. Thomas submitted the following amendment :

Strike out the 24th section, and insert the following:

“Section 24. The qualified voters of the city of Baltimore, and of the several counties of the State, shall on Tuesday next after the first Monday in the month of November, 1867, and on the same day in the same month in every fourth year thereafter, elect three men to be Judges of the Orphans’ Court of said city and counties respectively, who shall be citizens of the State of Maryland and citizens of the city or county for which they may be severally elected, at the time of their election; the Judges of the Orphans’ Court for the city of Baltimore, shall receive an annual salary of _____ hundred dollars, to be paid by said city. The Judges in the several counties shall receive a per diem, and be paid by the said counties;”

Mr. Hebb submitted the following amendment :

Sec. 24, line two, strike out all after the word “Baltimore,” and insert the following:

“The qualified voters of the city of Baltimore and of the several counties of the State shall, on Tuesday next after the first Monday in the month of November, eighteen hundred and sixty-seven, elect three men to be Judges of the Orphans’ Court, of said city and counties respectively; one of the said Judges first elected, shall hold his office for two years, one for four years and the other for six years; and at the first meeting after their election and qualification, or as soon

thereafter as practicable, they shall determine by lot, which one of their number shall hold his office for two, four, and six years respectively, and thereafter there shall be elected as aforesaid, at each general election for county officers, one Judge to serve for the term of six years. No person shall be elected Judge of the Orphans' Court unless he be a citizen of the United States, and resident for twelve months in the city or county for which he may be elected at the time of his election; each of said Judges shall be paid at a per diem rate for the time they are in session, to be fixed by the General Assembly, and paid by the said counties and city respectively, and shall receive such compensation as is now or may hereafter be fixed by the General Assembly;"

Mr. Bond submitted the following amendment to the amendment:

Sec. 24. Amend the amendment as follows:

Strike out all after the word "The," in the 1st line, and insert, "business and duties of the Orphans' Court shall be performed by the Judge of the Circuit Court for the district, except so far as the several Registers of Wills may be authorized by law to perform part of said duties;"

Decided in the negative.

Mr. Thomas submitted the following amendment to the amendment:

Add at the end of the section the following:

"Provided, the Judges of the Orphans' Courts of Baltimore city shall receive an annual salary of fifteen hundred dollars, to be paid by the Mayor and City Council of Baltimore, as city officers are paid;"

Decided in the negative.

The question then being on the adoption of the amendment submitted by Mr. Hebb,

It was decided in the affirmative.

Mr. Stirling submitted the following amendment:

Sec. 25. Strike out all after the word "prescribe," in the third line;

The question being on the adoption of the amendment,

Mr. Wickard demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|-----------|------------|
| Messrs. | Duvall, | Miller, |
| Goldsborough, P't | Edelen, | Morgan, |
| Billingsley, | Farrow, | Murray, |
| Blackiston, | Gale, | Parker, |
| Bond, | Greene, | Parran, |
| Briscoe, | Hodson, | Peter, |
| Chambers, | Hollyday, | Purnell, |
| Crawford, | Hopkins, | Ridgely, |
| Cushing, | Horsey, | Sands, |
| Daniel, | Kennard, | Stirling, |
| Dennis, | Lansdale, | Thomas—34. |
| Dent, | Mitchell, | |

NEGATIVE.

| | | |
|------------------|------------|--------------------|
| Messrs. | Hopper, | Russell, |
| Abbott, | Johnson, | Schley, |
| Annan, | Keefer, | Schlosser, |
| Audoun, | King, | Smith, of Carroll, |
| Brown, | Larsh, | Smith, of Dor., |
| Carter, | Lee, | Sneary, |
| Cunningham, | Markey, | Swope, |
| Davis, of Wash., | Mayhugh, | Sykes, |
| Dellinger, | McComas, | Todd, |
| Ecker, | Negley, | Wickard, |
| Galloway, | Nyman, | Wilmer, |
| Hatch, | Pugh, | Wooden—37. |
| Hoffman, | Robinette, | |

So the question upon its adoption was decided in the negative.

Mr. Purnell submitted the following amendment :

Sec. 25. Strike out the word "Legislature," and insert the words "General Assembly;"

Decided in the affirmative.

Mr. Thomas submitted the following amendment :

Sec. 25, line five, after the word "persons," insert the words "not to exceed the value of one thousand dollars ;"

Mr. Davis, of Washington, submitted the following amendment to the amendment :

Strike out "one thousand," and insert "three thousand," in latter part of amendment ;

The question being on the adoption of the amendment to the amendment,

Mr. Swope demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-----------------|----------|-----------------|
| Messrs. | Gale, | Robinette, |
| Annan, | Hatch, | Russell, |
| Audoun, | Hopper, | Schlosser, |
| Brown, | Johnson, | Smith, of Dor., |
| Carter, | Keefer, | Sneary, |
| Cunningham, | Markey, | Swope, |
| Davis, of Wash. | Mayhugh, | Sykes, |
| Dellinger, | McComas, | Todd, |
| Dennis, | Nyman, | Wickard—28. |
| Ecker, | Pugh, | |

NEGATIVE.

| | | |
|-------------------|-----------|--------------------|
| Messrs. | Greene, | Negley, |
| Goldsborough, P't | Hebb, | Parker, |
| Abbott, | Hoffman, | Parran, |
| Billingsley, | Hollyday, | Peter, |
| Blackiston, | Hopkins, | Purnell, |
| Briscoe, | Horsey, | Ridgely, |
| Chambers, | Kennard, | Sands, |
| Cushing, | King, | Schley, |
| Daniel, | Lansdale, | Smith, of Carroll, |
| Dent, | Larsh, | Stirling, |
| Duvall, | Mitchell, | Thomas, |
| Edelen, | Miller, | Thruston, |
| Farrow, | Morgan, | Wilmer, |
| Galloway, | Murray, | Wooden—41. |

So the question upon its adoption was decided in the negative.

The question recurring upon the amendment submitted by Mr. Thomas :

Mr. Wooden demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|---------|---------|
| Messrs. | Edelen, | Morgan, |
| Goldsborough, P't | Farrow, | Negley, |

| | | |
|--------------|-----------|--------------------|
| Annan, | Galloway, | Parran, |
| Belt, | Greene, | Purnell, |
| Billingsley, | Hebb, | Robinette, |
| Blackiston, | Henkle, | Russell, |
| Brocks, | Hoffman, | Sands, |
| Brown, | Hollyday, | Schley, |
| Chambers, | Hopkins, | Smith, of Carroll, |
| Cunningham, | Hopper, | Sneary, |
| Cushing, | Horsey, | Swope, |
| Daniel, | Kennard, | Sykes, |
| Dellinger, | Lansdale, | Thomas, |
| Dent, | Larsh, | Wilmer, |
| Duvall, | McComas, | Wooden—46. |
| Ecker, | Mitchell, | |

NEGATIVE.

| | | |
|------------------|----------|-----------------|
| Messrs. | Johnson, | Fugh, |
| Abbott, | Keefer, | Ridgely, |
| Audoun, | King, | Schlosser, |
| Briscoe, | Markey, | Smith, of Dor., |
| Carter, | Miller, | Stirling, |
| Davis, of Wash., | Murray, | Thruston, |
| Dennis, | Nyman, | Todd, |
| Gale, | Parker, | Turner, |
| Hatch, | Peter, | Wickard—26. |

So the question upon its adoption was decided in the affirmative.

Mr. Ridgely submitted the following amendment:

Strike out the section and insert :

“Sec. 25. The said Orphans’ Courts shall have all the powers now vested by law in the Orphan’s Courts of this State, subject to such changes as the General Assembly may prescribe, and shall have such other jurisdiction as may from time to time be provided by law ;”

Pending the consideration of which,

On motion of Mr. Ridgely,

The rules were suspended and he submitted the following order :

Ordered, That the order for recess for evening sessions be suspended for this evening ;

Which was adopted.

Messrs. Gale, Thruston, Dent, Brown and Robinette, were

excused from attending the sessions of the Convention for a few days.

On motion of Mr. Chambers,
The Convention adjourned.

FRIDAY, August 26th, 1864.

The Convention met at 10 o'clock, A. M.

Prayer by the Rev. Mr. Todd.

All the Members present except the following :

Messrs. Baker, Barron, Berry, of Baltimore county, Berry, of Prince George's, Brown, Carter, Clarke, Dail, Davis, of Charles, Dennis, Earle, Gale, Harwood, Hatch, Johnson, Jones, of Cecil, Jones, of Somerset, Mace, Marbury, Mayhugh, Noble, Robinette, Scott, Thruston—24.

The proceedings of yesterday were read and approved.

On motion of Mr. Pugh,

It was ordered to be entered on the Journal that Mr. Scott, of Cecil, is detained from his seat on account of sickness.

On motion of Mr. Dellinger,

It was ordered to be entered on the Journal that Mr. Mayhugh is detained from his seat by indisposition.

The Convention proceeded to the consideration of the Report of the Committee on the Judiciary Department ;

The question being on the adoption of the amendment submitted by Mr. Ridgely, to wit:

Strike out section twenty-five and insert :

“Sec. 25. The said Orphans’ Courts shall have all the powers now vested by law in the Orphans’ Courts of this State, subject to such changes as the General Assembly may

prescribe, and shall have such other jurisdiction as may from time to time be provided by law ;”

Mr. Pugh demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|-----------|-----------------|
| Messrs. | Hebb, | Murray, |
| Goldsborough, P't | Henkle, | Negley, |
| Billingsley, | Hodson, | Parker, |
| Blackiston, | Hoffman, | Parran, |
| Bond, | Hollyday, | Peter, |
| Briscoe, | Hopkins, | Purnell, |
| Chambers, | Horsey, | Ridgely, |
| Cushing, | Kennard, | Smith, of Wor., |
| Daniel, | King, | Stirling, |
| Dent, | Lansdale, | Stockbridge, |
| Duvall, | Larsh, | Thomas, |
| Edelen, | Lee, | Turner, |
| Farrow, | Mitchell, | Valliant, |
| Galloway, | Miller, | Wilmer—43. |
| Greene, | Morgan, | |

NEGATIVE.

| | | |
|------------------|-----------|--------------------|
| Messrs. | Hopper, | Schlosser, |
| Abbott, | Keefer, | Smith, of Carroll, |
| Annan, | Markey, | Smith, of Dor., |
| Audoun, | McComas, | Sneary, |
| Brooks, | Mullikin, | Swope, |
| Crawford, | Nyman, | Sykes, |
| Cunningham, | Pugh, | Todd, |
| Davis, of Wash., | Russell, | Wickard, |
| Dellinger, | Sands, | Wooden—28. |
| Ecker, | Schley, | |

So the question upon its adoption was decided in the affirmative.

Mr. Audoun submitted the following amendment :

Sec. 26, third line, insert after the word respectively “on the Tuesday next after the first Monday in November, 1869 ;”

Decided in the negative.

Mr. Stirling submitted the following amendment :

Sec. 26, line eleven, strike out the words “Delegates to the

General Assembly," and insert the words "county officers ;"
Decided in the affirmative.

Mr. Daniel submitted the following amendment :

Strike out the words "elected and," in the fifth line ;

Decided in the negative.

Mr. Todd submitted the following amendment :

Insert as an additional section, the following:

"Sec —. It shall be the duty of the Orphans' Court of the several counties and the city of Baltimore to bind out, until they arrive at the age of twenty-one years for males, and eighteen years for females, all negroes emancipated by the adoption of this Constitution, who are minors, incapable of supporting themselves, and whose parents are unable to maintain them, subject to such regulations as are now or may hereafter be prescribed by law ; and in all cases the preference shall be given to their former masters, when in the judgment of the said Courts they are suitable persons to have charge of them ;"

Mr. Stirling moved to postpone informally the consideration of the amendment ;

Decided in the negative.

Mr. Schley submitted the following amendment :

Amend by inserting after the word "preference," in the 5th line, the words "with the consent of the parents or next friend of such minor ;"

Decided in the negative.

Mr. Stockbridge submitted the following amendment to the amendment :

Add at end of the section the words "and said Court shall bind all masters to whom any such apprentice shall be indentured, to cause said apprentice to be taught to read and write ; and any violation of which obligation on the part of any master shall cancel the indenture of apprenticeship ;"

Mr. Wooden moved the previous question ;

The question being,

"Shall the main question be now put?"

Mr. Chambers demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-----------------|----------|--------------------|
| Messrs. | Greene. | Ridgely, |
| Abbott, | Hebb, | Russell, |
| Annan, | Hoffman, | Schley, |
| Belt, | Hopkins, | Schlosser, |
| Bond, | Keefer, | Smith, of Carroll, |
| Brooks, | Kennard, | Smith, of Wor., |
| Cunningham, | King, | Sneary, |
| Cushing, | Murray, | Swope, |
| Davis, of Wash. | Negley, | Sykes, |
| Ecker, | Nyman, | Wickard, |
| Farrow, | Pugh, | Wooden—33. |
| Galloway, | | |

NEGATIVE.

| | | |
|-------------------|-----------|-----------------|
| Messrs. | Hollyday, | Parker, |
| Goldsborough, Pt. | Hopper, | Parran, |
| Audoun, | Horsey, | Peter, |
| Billingsley, | Lansdale, | Purnell, |
| Blackiston, | Larsh, | Smith, of Dor., |
| Briscoe, | Lee, | Stirling, |
| Crawford, | Markey, | Stockbridge, |
| Daniel, | McComas, | Thomas, |
| Dellinger, | Mitchell, | Todd, |
| Dent, | Miller, | Turner, |
| Duvall, | Morgan, | Valliant, |
| Edelen, | Mullikin, | Wilmer—36. |
| Hodson, | | |

So the call for the previous question was not sustained ;

Mr. McComas, (seconded by Messrs. Miller and Purnell, moved to reconsider the vote last taken ;

The question being on the adoption of the motion ;

Mr. Wooden demanded the yeas and nays ;

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|----------|-----------|----------|
| Messrs. | Hollyday, | Parran, |
| Abbott, | Hopkins, | Peter, |
| Annan, | Hopper, | Pugh, |
| Bond, | Horsey, | Ridgely, |
| Briscoe, | Keefer, | Russell, |

| | | |
|------------------|-----------|--------------------|
| Chambers, | Kennard, | Schley, |
| Crawford, | King | Schlosser, |
| Cunningham, | Lansdale, | Smith, of Carroll, |
| Cushing, | Larsh, | Sneary, |
| Davis, of Wash., | McComas, | Stirling, |
| Duvall, | Miller, | Swope, |
| Edelen, | Mullikin, | Sykes, |
| Galloway, | Murray, | Valliant, |
| Greene, | Negley, | Wickard, |
| Hebb, | Nyman, | Wooden—45. |
| Henkle, | | |

NEGATIVE.

| | | |
|-------------------|-----------|-----------------|
| Messrs. | Dent, | Purnell, |
| Goldsborough, P't | Farrow, | Sands, |
| Audoun, | Hodson, | Smith, of Dor., |
| Billingsley, | Lee, | Smith, of Wor., |
| Blackiston, | Markey, | Stockbridge, |
| Brooks, | Mitchell, | Todd, |
| Daniel, | Morgan, | Turner, |
| Dellinger, | Parker, | Wilmer—23. |

So the vote upon the question of sustaining the previous question was reconsidered.

The question again being upon sustaining the call for the previous question,

It was determined in the affirmative.

The question next being on the adoption of the amendment submitted by Mr. Stockbridge to the amendment of Mr. Todd,

Mr. Morgan demanded the yeas and nays ;

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|------------------|----------|--------------------|
| Messrs. | Farrow, | Russell, |
| Abbott, | Greene, | Sands, |
| Annan, | Hebb, | Schley, |
| Audoun, | Hopkins, | Schlosser, |
| Brooks, | Hopper, | Smith, of Carroll, |
| Cunningham, | Keefer, | Stirling, |
| Cushing, | Kennard, | Stockbridge, |
| Daniel, | McComas, | Sykes, |
| Davis, of Wash., | Murray, | Thomas, |
| Dellinger, | Nyman, | Wickard—31. |
| Ecker, | Pugh, | |

NEGATIVE.

| | | |
|-------------------|-----------|-----------------|
| Messrs. | Hodson, | Parran, |
| Goldsborough, P't | Hoffman, | Peter, |
| Belt, | Hollyday, | Purnell, |
| Billingsley, | Horsey, | Ridgely, |
| Blackiston, | King, | Smith, of Dor., |
| Bond, | Lansdale, | Smith, of Wor., |
| Briscoe, | Larsh, | Sneary, |
| Chambers, | Lee, | Swope, |
| Crawford, | Markey, | Todd, |
| Dent, | Mitchell, | Turner, |
| Duvall, | Miller, | Valliant, |
| Edelen, | Morgan, | Wilmer, |
| Galloway, | Negley, | Wooden—39. |
| Henkle, | Parker, | |

So the question upon its adoption was decided in the negative.

The question recurring upon the adoption of the amendment submitted by Mr. Todd ;

On motion of Mr. Pugh,

The subject was divided ;

The question then being on the first clause of the amendment, to wit:

“It shall be the duty of the Orphans’ Court of the several counties and the city of Baltimore to bind, until they arrive at the age of twenty-one years for males and eighteen years for females, all negroes emancipated by the adoption of this Constitution, who are minors, and incapable of supporting themselves, or whose parents are unable to maintain them, subject to such regulations as are now or may hereafter be prescribed by law;”

Mr. Pugh demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|-----------|----------|
| Messrs. | Hebb, | Negley, |
| Goldsborough, P't | Henkle, | Nyman, |
| Annan, | Hodson, | Parran, |
| Belt, | Hoffman, | Peter, |
| Billingsley, | Hollyday, | Purnell, |
| Blackiston, | Hopper, | Ridgely, |

| | | |
|------------------|-----------|--------------------|
| Bond, | Horsey, | Sands, |
| Briscoe, | King, | Smith, of Carroll, |
| Chambers, | Lansdale, | Smith, of Dor. |
| Crawford, | Larsh, | Smith, of Wor., |
| Cunningham, | Lee, | Sneary, |
| Daniel, | Markey, | Swope, |
| Davis, of Wash., | McComas, | Sykes, |
| Dent, | Mitchell, | Todd, |
| Duvall, | Miller, | Turner, |
| Farrow, | Morgan, | Valliant, |
| Galloway, | Mullikin, | Wilmer—51. |
| Greene, | | |

NEGATIVE.

| | | |
|------------|----------|--------------|
| Messrs. | Hopkins, | Schley, |
| Abbott, | Keefer, | Schlosser, |
| Audoun, | Kennard, | Stirling, |
| Brooks, | Murray, | Stockbridge, |
| Cushing, | Parker, | Thomas, |
| Dellinger, | Pugh, | Wickard, |
| Ecker, | Russell, | Wooden—20. |

So the question upon its adoption was decided in the affirmative.

The question recurring upon the second clause of the amendment, to wit: "and in all cases the preference shall be given to their former masters, when in the judgment of said Courts they are suitable persons to have charge of them;"

Mr. Pugh demanded the yeas and nays;

The demand being sustained,

The yeas and nays were called, and appeared as follows:

AFFIRMATIVE.

| | | |
|-------------------|-----------|--------------------|
| Messrs. | Hodson, | Nyman, |
| Goldsborough, P't | Hoffman, | Parran, |
| Annan, | Hollyday, | Peter, |
| Belt, | Horsey, | Purnell, |
| Billingsley, | King, | Ridgely, |
| Blackiston, | Lansdale, | Smith, of Carroll, |
| Bond, | Larsh, | Smith, of Dor., |
| Briscoe, | Lee, | Smith, of Wor. |
| Chambers, | Markey, | Sneary, |
| Crawford, | McComas, | Swope, |
| Cunningham, | Mitchell, | Sykes, |
| Dent, | Miller, | Todd, |
| Duvall, | Morgan, | Turner, |

Edelen,
Galloway,
Henkle,

Mullikin,
Negley,

Valliant,
Wilmer—45.

NEGATIVE.

Messrs.

Abbott,
Audoun,
Brooks,
Cushing,
Daniel,
Davis, of Wash.,
Dellinger,
Ecker,
Farrow,

Greene,
Hebb,
Hopkins,
Hopper,
Keefer,
Kennard,
Murray,
Parker,
Pugh,

Russell,
Sands,
Schley,
Schlosser,
Stirling,
Stockbridge,
Thomas,
Wickard,
Wooden—27.

So the question upon its adoption was decided in the affirmative.

Messrs. Hopkins, Edelen and McComas were excused from attending the sessions of the Convention until Monday.

On motion of Mr. Stirling,

The Convention took a recess until 8 o'clock.

EVENING SESSION.

The Convention met at 8 o'clock, P. M.

All the members present except the following :

Messrs. Baker, Barron, Belt, Berry, of Baltimore county, Berry, of Prince George's, Billingsley, Blackiston, Bond, Briscoe, Brooks, Brown, Carter, Chambers, Clarke, Crawford, Dail, Davis, of Charles, Dennis, Dent, Duvall, Earle, Edelen, Gale, Harwood, Hatch, Henkle, Hodson, Hopkins, Johnson, Jones, of Cecil, Jones, of Somerset, Kennard, Larsh, Lee, Mace, Marbury, Mayhugh, McComas, Miller, Noble, Parran, Peter, Robinette, Smith, of Dorchester, Sneary, Thruston, Turner, Valliant, Wickard, Wilmer—50.

There being no quorum present,

Mr. Audoun moved a call of the Convention ;

The motion being sustained,

The roll was called, and the following members responded :

Messrs. Goldsborough, (President,) Abbott, Annan, Audoun, Cunningham, Cushing, Daniel, Davis, of Washington, Dellinger, Ecker, Farrow, Galloway, Greene, Hebb, Hoffman, Hollyday, Hopper, Horsey, Keefer, King, Lansdale, Markey, Mitchell, Morgan, Mullikin, Murray, Neg'ey, Nyman, Parker, Pugh, Purnell, Ridgely, Russell, Sands, Schley, Schlosser, Scott, Smith, of Carroll, Smith, of Worcester, Stirling, Stockbridge, Swope, Sykes, Thomas, Todd, Wooden—46.

On motion of Mr. Audoun,

The Sergeant-at-Arms was sent after the absent members.

The Sergeant-at-Arms returned and reported that he could find but one absentee in the city, and he was indisposed.

On motion of Mr. Pugh,

The Convention adjourned.

SATURDAY, August 27th, 1864.

The Convention met at 10 o'clock, A. M.

Prayer by the Rev. Mr. Patterson.

All the members present except the following :

Messrs. Baker, Barron, Belt, Berry, of Baltimore county, Berry, of Prince George's, Billingsley, Bond, Briscoe, Brown, Clarke, Dail, Davis, of Charles, Dennis, Dent, Earle, Edelen, Gale, Harwood, Henkle, Hopkins, Johnson, Jones, of Cecil, Jones, of Somerset, Keefer, Kennard, Larsh, Mace, Marbury, Mayhugh, McComas, Miller, Noble, Peter, Robinette, Smith, of Carroll, Thruston, Turner, Valliant—37.

The proceedings of yesterday were read and approved.

On motion of Mr. Mulliken,

It was ordered to be entered on the Journal that James Valliant is detained from his seat to-day is in consequence of attention to business as Chairman of the Committee on Printing and Reporting, with the Printer in Baltimore.

On motion of Mr. Hatch,

It was ordered to be entered on the Journal, that had Mr. Hatch been in his seat yesterday he would have voted against the section added to the Judiciary article, providing a system of involuntary apprenticeship, and in favor of the amendment which was offered thereto designed to secure such apprentices education so as to enable them to read and write.

Mr. Abbott submitted the following resolution:

Resolved, That in view of the uncertain condition of affairs in this State, owing to the possibility of an invasion by the public enemy, which may interfere with the expression of the popular will on the day to be fixed for voting on this Constitution, that this Convention, when it adjourns without day, will be adjourned subject to the call of the President, and in case of the death or disqualification of the President, (H. H. Goldsborough,) Frederick Schley, of Frederick county, Joseph B. Pugh, of Cecil county, Henry Stockbridge, of Baltimore city, Wm. T. Purnell, of Worcester county, be and they are hereby authorized, in the order in which they are named, to act as President, and call the Convention together ;

Which was read the first time.

Mr. Ridgely from the Committee on the Schedule, submitted the following

REPORT:

The Committee on the Schedule ask leave respectfully to make the following report :

ARTICLE —

SCHEDULE.

SECTION 1. Every officer of the State, the entire amount of whose pay, or compensation received for the discharge of his official duties, shall exceed the yearly sum of three thousand dollars, except wherein otherwise provided by this Constitution, shall keep a book, in which shall be entered every sum or sums of money received by him, or on his account, as a payment, or compensation for his performance of official duties, a copy of which entries in said book, verified by the oath of the officer, by whom it is directed to be kept, shall

be returned yearly to the Treasurer of the State, for his inspection and that of the General Assembly of the State, and each of said officers, when the amount received by him for the year shall exceed three thousand dollars, shall yearly pay over to the Treasurer of the State, the amount of such excess by him received, subject to such disposition thereof as the General Assembly may direct. Any such officer failing to comply with this requisition, shall be deemed to have vacated his office, and be subject to suit by the State, for the amount that ought to be paid into the Treasury.

Sec. 2. The common law, and statute law, now in force, and not repugnant to this Constitution, shall remain in force, until they expire by their own limitation, or are altered by the General Assembly.

Sec. 3. The several Courts, except as herein otherwise provided, shall continue with like powers and jurisdiction, both at law and in equity, as if this Constitution had not been adopted and until the organization of the Judicial Department, provided by this Constitution.

Sec. 4. The General Assembly shall have power to pass all such laws as may be necessary and proper for carrying into execution the powers vested by this Constitution, in any department or office of the Government, and the duties imposed upon them thereby.

Sec. 5. If on any election directed by this Constitution, any two or more candidates shall have the highest and equal number of votes, a new election shall be ordered, except in cases specially otherwise provided by this Constitution.

Sec. 6. In the trial of all criminal cases, the Jury may be the judges of law as well as fact.

Sec. 7. The trial by jury of all issues of fact in civil proceedings, in the several Courts of this State, where the amount exceeds the sum of five dollars, shall be inviolably preserved.

Sec. 8. The General Assembly shall have power to regulate by law, not inconsistent with this Constitution, all matters which relate to the judges of election, time, place, and manner of holding elections in this State, and of making return thereof.

Sec. 9. All officers, civil and military, now holding office, whether by election, or appointment under the State, shall continue to hold and exercise their offices according to their present tenure, unless otherwise provided in this Constitution

until they shall be superseded pursuant to its provisions and until their successors be duly qualified, and the compensation of such officers which has been increased by this Constitution, shall take effect from the first day of January, 1865.

VOTE ON THE CONSTITUTION.

SECTION. 1. For the purpose of ascertaining the sense of the people of this State, in regard to the adoption or rejection of this Constitution, the Governor shall issue his proclamation within five days after the adjournment of this Convention directed to the Sheriff of the city of Baltimore, and to the Sheriffs of the several counties of this State commanding them to give notice in the manner now prescribed by law, that an election will be held in the city of Baltimore and in the several counties of the State, at the usual places of holding elections in said city and counties, for the adoption or rejection of this Constitution, on the twelfth day of October, in the year eighteen hundred and sixty-four, which election shall be held between the hours of eight o'clock, A. M., and six o'clock, P. M., and the Judges of election of said city, and of the several counties of the State, shall receive at said election the votes only of such electors as are qualified according to the provisions of this Constitution, who may offer to vote at such election, and the said Sheriffs shall also give notice on or after the twelfth day of October, eighteen hundred and sixty-four, for all elections provided by this Constitution, to be held during that year.

Sec. 2. At the said election, the vote shall be by ballot, and each ballot shall describe thereon the words "for the Constitution," or "against the Constitution," as the voter may elect, and it shall be conducted in all respects as the general elections of this State are now conducted. The Judges of election shall administer to every person offering to vote, the oath or affirmation prescribed by this Constitution, and should any person offering to vote refuse or decline to take said oath, he shall not be permitted to vote at such election, but the taking of such oath or affirmation, shall not be deemed conclusive evidence of the right of such person to vote; and it shall be the duty of the return Judges of said city, and of the several counties of the State, having counted the votes given for or against the adoption of this Constitution, to certify the result thereof in the manner now prescribed by law, accompanied with a special statement, that every person, who has voted, has taken the oath or affirmation prescribed by the Constitution; and the Governor upon receiving such result and ascertaining the aggregate vote throughout the State, shall by his proclamation make known the same, and if a majority of the

votes cast shall be for the adoption of the Constitution, it shall go into effect on the first day of November, eighteen hundred and sixty-four.

SOLDIERS' VOTE

Section 1. Any of the qualified voters of this State, who shall be absent from the county or city of his residence by reason of being in the military service of the United States so as not to be able to vote at home, on the adoption or rejection of this Constitution, or for all State officers elected on general ticket, and for Presidential electors, and for members of Congress, at the election to be held on the Tuesday next after the first Monday in November, eighteen hundred and sixty-four, shall be entitled to vote at such elections as follows: A poll shall be opened in each Company of every Maryland Regiment in the service of the United States, or of this State, on the day appointed by this Convention, for taking the vote on the new Constitution, or on some day not more than five days thereafter, at the quarters of the commanding officer thereof, and voters of this State belonging to such Company who shall be within ten miles of such quarters on the day of election, may vote at such poll; the polls shall be opened at eight o'clock, A. M., and close at six o'clock P. M.; the commissioned officers of such Company or such of them as are present at the opening of the polls, shall act as Judges, and any one officer, shall be competent so to act, and if no officer be present, then the voters in such company present, shall elect two of the voters present to act as Judges of the election; before any votes are received, each of the Judges shall take an oath or affirmation, that he will perform the duties of Judge according to law, will prevent fraud and observe and make proper return thereof, and such oath the Judges may administer to each other; the election shall be by ballot, and any voter may vote in writing either "for the new Constitution or against the new Constitution."

Sec. 2. The Judges may swear any one offering to vote, or to his being a legal voter of this State. The Judges shall take down on a poll book or list the names of all the voters as their votes are taken, and the tickets shall be placed in a box as taken; after the polls are closed, the tickets shall be counted and strung on a thread, and the Judges shall make out a certificate, which they shall sign, addressed to the Governor, in which they shall state that they have taken the oath hereby prescribed, and shall certify the number of votes taken, and the number of votes for and against the Constitution, the said certificates shall be accompanied with the

names of the voters, and shall be plainly expressed, but no particular words shall be required.

Sec. 3. The Judges shall, as soon as possible, transmit said returns, with the tickets so strung, to the Governor, who shall receive the returns of the soldiers' vote, and shall cast up the same, and judge of the genuineness and correctness of the returns, and may recount the threaded tickets, so as to satisfy himself, and the Governor shall count said vote with the aggregate vote of the State on the adoption or rejection of this Constitution, and shall wait for fifteen days after the day on which the State vote is taken, so as to allow the returns of the soldiers' vote to be made, before the result of the whole vote is announced. The Governor shall receive the returns of the soldiers' vote on said election for State officers, Presidential electors, and members of Congress, and shall count the same with the aggregate home vote on State officers and the aggregate home vote in each district respectively for members of Congress.

Sec. 4. The Governor shall make known to the officers of the State regiments the provisions of this article of the schedule, and request them to exercise the right hereby conferred upon them, and shall take all means proper to secure the soldiers' vote; and the General Assembly, at its first session after the adoption of this Constitution, shall make proper appropriation to pay any expense that may arise herein.

Sec. 5. If this Constitution shall be adopted by the people, the provisions contained herein for taking the soldiers' vote on the adoption of the Constitution, shall apply to all elections to be held in this State, until the General Assembly shall otherwise provide.

JAS. L. RIDGELY,
Chairman,
JOHN A. HOPPER,
PETER G. SCHLOSSER,
JOEL HOPKINS.

The Convention proceeded to the consideration of the report of the Committee on the Judiciary Department.

Mr. Audoun submitted the following amendment:

Section —. It shall be the duty of the Judges of the several Orphans' Courts of this State, before they shall proceed to bind any negroes as apprentices, to administer to the party to whom he or she is to be bound, the same oath as prescribed for voters by this Constitution, in the article on the Elective

Franchise, and upon the refusal of the said party to take and subscribe to said oath, the said Courts shall hold the person so refusing to be an unsuitable person to have charge of such negro; and the fact of such oath having been taken by the party to whom such negro has been bound, shall be expressed in the indenture.

Mr. Ridgely moved to informally postpone the consideration of the amendment;

The question being on the adoption of the motion,

Mr. Ridgely demanded the yeas and nays;

The demand being sustained,

The yeas and nays were called, and appeared as follows:

AFFIRMATIVE.

| | | |
|-------------|-----------|----------------|
| Messrs. | King, | Ridgely, |
| Blackiston, | Lansdale, | Smith, of Dor. |
| Crawford. | Lee, | Smith, of Wor. |
| Duvall, | Markey, | Stockbridge, |
| Hodson, | Mitchell, | Thomas, |
| Hollyday, | Morgan, | Todd, |
| Horsey, | Parran, | Wilmer—20. |

NEGATIVE.

| | | |
|-------------------|-----------|------------|
| Messrs. | Farrow, | Purnell, |
| Goldsborough, P't | Galloway, | Russell, |
| Abbott, | Greene, | Sands, |
| Annan, | Hatch, | Schley, |
| Audoun, | Hebb, | Schlosser, |
| Brooks, | Hoffman, | Scott, |
| Carter, | Hopper, | Sneary, |
| Cunningham, | Mullikin, | Stirling, |
| Cushing, | Murray, | Swope, |
| Daniel, | Negley, | Sykes, |
| Davis, of Wash., | Nyman, | Wickard, |
| Dellinger, | Parker, | Wooden—37. |
| Ecker, | Pugh, | |

So the question upon its adoption was decided in the negative.

The question recurring upon the adoption of the amendment.

Mr. Audoun demanded the yeas and nays;

The demand being sustained,

The yeas and nays were called, and appeared as follows:

AFFIRMATIVE.

| | | |
|-------------------|-----------|-----------------|
| Messrs. | Greene, | Russell, |
| Goldsborough, P't | Hatch, | Sands, |
| Abbott, | Hebb, | Schley, |
| Annan, | Hoffman, | Schlosser, |
| Audoun, | Hopper, | Scott, |
| Brooks, | King, | Smith, of Wor., |
| Carter, | Markey, | Sneary, |
| Cunningham, | Mullikin, | Stirling, |
| Cushing, | Murray, | Stockbridge, |
| Daniel, | Negley, | Swope, |
| Davis, of Wash., | Nyman, | Sykes, |
| Dellinger, | Parker, | Thomas, |
| Ecker, | Pugh, | Todd, |
| Farrow, | Purnell, | Wickard, |
| Galloway, | Ridgely, | Wooden—44. |

NEGATIVE.

| | | |
|-------------|-----------|-----------------|
| Messrs. | Hollyday, | Morgan, |
| Blackiston, | Horsey, | Parran, |
| Crawford, | Lansdale, | Smith, of Dor., |
| Duvall, | Lee, | Wilmer—13. |
| Hodson, | Mitchell, | |

So the question upon its adoption was decided in the affirmative.

Mr. Stirling submitted the following amendment :

Sec. —. Any person who shall, after this Constitution shall have gone into effect, detain in slavery any person so emancipated by the provisions of this Constitution, shall, on conviction, be fined not less than five hundred dollars, nor more than five thousand dollars, or be imprisoned not more than five years ; and any of the Judges of this State shall discharge, on habeas corpus, any person so detained in slavery.

The question being on the adoption of the amendment,

Mr. Wilmer demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|----------|------------|
| Messrs. | Hatch, | Russell, |
| Goldsborough, P't | Hebb, | Sands, |
| Abbott, | Hoffman, | Schley, |
| Annan, | Hopper, | Schlosser, |

| | | |
|------------------|-----------|-----------------|
| Audoun, | King, | Scott, |
| Brooks, | Markey, | Smith, of Wor., |
| Carter, | Mullikin, | Sneary, |
| Cunningham, | Murray, | Stirling, |
| Cushing, | Negley, | Swope, |
| Daniel, | Nyman, | Sykes, |
| Davis, of Wash., | Parker, | Thomas, |
| Dellinger, | Pugh, | Todd, |
| Ecker, | Purnell, | Wickard, |
| Galloway, | Ridgely, | Wooden—42. |
| Greene, | | |

NEGATIVE.

| | | |
|-------------|-----------|-----------------|
| Messrs. | Hollyday, | Morgan, |
| Blackiston, | Horsey, | Parran, |
| Chambers, | Lansdale, | Smith, of Dor., |
| Crawford, | Lee, | Wilmer—13. |
| Duvall, | Mitchell, | |

So the question upon its adoption was decided in the affirmative.

Upon the foregoing amendment Mr. Hodson, of Dorchester, refused to vote.

Mr. Thomas submitted the following amendment :

Sec. 27. Strike out all after the word "the," in the first line, and insert the following :

"Thirteenth Judicial Circuit four Courts, to be styled the 'Superior Court of Baltimore city;' the 'Court of Common Pleas;' the 'Circuit Court of Baltimore city;' and the 'Criminal Court of Baltimore;' each Court shall consist of one Judge, who shall be elected by the legal and qualified voters of said city, and shall hold their offices for the term of fifteen years, subject to the provisions of this Constitution with regard to the election and qualification of Judges and their removal from office, and shall exercise the jurisdiction hereinafter specified ;"

The question being on the adoption of the amendment,

Mr. Audoun demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|-----------|----------|
| Messrs. | Farrow, | Ridgely, |
| Goldsborough, P't | Galloway, | Sands, |

| | | |
|------------------|-----------|------------|
| Abbott, | Hatch, | Schley, |
| Annan, | Hebb, | Schlosser, |
| Audoun, | Hopper, | Sneary, |
| Brooks, | King, | Stirling, |
| Carter, | Markey, | Swope, |
| Cunningham, | Morgan, | Thomas, |
| Cushing, | Mullikin, | Todd, |
| Daniel, | Murray, | Wickard, |
| Davis, of Wash., | Pugh, | Wooden—34. |
| Ecker, | Purnell, | |

NEGATIVE.

| | | |
|-------------|-----------|-----------------|
| Messrs. | Hollyday, | Parker, |
| Blackiston, | Horsey, | Russell, |
| Chambers, | Lansdale, | Scott, |
| Crawford, | Lee. | Smith of Dor., |
| Dellinger, | Mitchell, | Smith, of Wor., |
| Duvall, | Negley, | Stockbridge, |
| Hoffman, | Nyman, | Wilmer—20. |

So the question upon its adoption was decided in the affirmative.

Mr. Daniel submitted the following amendment :

Strike out the 28th section and insert :

“Sec. 28. The Superior Court of Baltimore city, shall have jurisdiction over all suits where the debt or damage claimed shall exceed the sum of one thousand dollars, and in case any plaintiff or plaintiffs shall recover less than the sum or value of one thousand dollars, he or they shall be allowed or adjudged to pay costs in the discretion of the Court. The said Court shall also have jurisdiction as a Court of Equity within the limits of the said city, and in all other civil cases which are not hereinafter assigned to the Court of Common Pleas, and shall also have jurisdiction in all cases of appeals from the Commissioner for opening streets ; Provided all cases now pending on the Law side of said Court, where the debt or damage claimed is less than one thousand dollars, shall be prosecuted to final judgment in said Court, as though its jurisdiction had not been changed ;

Mr. Stockbridge submitted the following amendment to the amendment :

Strike out “one thousand,” and insert “five hundred ;”

Decided in the negative.

Mr. Stockbridge submitted the following amendment:

After the word "claimed," in line two, insert the words "exclusive of interest ;"

Decided in the affirmative.

Mr. Stockbridge submitted the following amendment :

Strike out the words "as a Court of Equity within the limits of the said city and ;"

Decided in the negative.

The question recurring upon the amendment submitted by Mr. Daniel ;

It was decided in the affirmative.

Mr. Thomas submitted the following amendment :

Strike out sec. 29, and insert the following :

"Sec. 29. The Court of Common Pleas shall have civil jurisdiction in all suits where the debt or damage claimed, exclusive of interest, shall be over one hundred dollars, and shall not exceed one thousand dollars ; and shall also have jurisdiction in all cases of appeal in civil cases from the judgment of Justices of the Peace in the said city, and shall have jurisdiction in all applications for the benefit of the insolvent laws of this State, and the supervision and control of the trustees thereof."

Decided in the affirmative.

Mr. Thomas submitted the following amendment :

Sec. 30. Strike out all after the word "shall," in the first line, and insert the following:

"Have jurisdiction concurrent with the Superior Court of Baltimore city, in all cases in equity, in cases arising under the act to direct descents and its supplements, and shall exercise all the power that is now or may be hereafter conferred by law; provided, said Court shall not have jurisdiction in applications for the writ of habeas corpus, in cases of persons charged with criminal offenses;"

Mr. Stirling submitted the following amendment :

Strike out the words "or may be hereafter;"

Decided in the affirmative.

The question recurring upon the adoption of the amendment submitted by Mr. Thomas,

It was decided in the affirmative.

Mr. Daniel submitted the following amendment:

“Strike out section 31 ;”

Decided in the affirmative.

Mr. Thomas submitted the following amendment:

Insert as section 31, the following:

“Sec. 31. The Criminal Court of Baltimore city, shall have and exercise all the jurisdiction now held and exercised by the Criminal Court of Baltimore, except in cases of appeals from Commissioners for opening streets, and shall have jurisdiction in all cases of appeals from Justices of the Peace in said city, for the recovery of fines, penalties and forfeitures;”

Decided in the affirmative.

Mr. Abbott submitted the following amendment:

Sec. 32, line two, strike out the words “five hundred.”

Mr. Negley moved to amend by striking out “three thousand five hundred,” and insert “twenty-five hundred;”

The question being on the adoption of the amendment submitted by Mr. Abbott;

Mr. Abbott demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called and appeared as follows:

AFFIRMATIVE.

| | | |
|-------------------|-----------|-----------------|
| Messrs. | Galloway, | Nyman, |
| Goldsborough, P't | Greene, | Pugh, |
| Abbott, | Hebb, | Purnell, |
| Annan, | Hoffman, | Russell, |
| Audoun, | Hollyday, | Sands, |
| Blackiston, | Hopper, | Scott, |
| Brooks, | Horsey, | Smith, of Wor., |
| Chambers, | Lansdale, | Sneary, |
| Cushing, | Lee, | Stirling, |
| Daniel, | Markey, | Sykes, |
| Davis, of Wash., | Mitchell, | Thomas, |
| Dellinger, | Mullikin, | Todd, |
| Ecker, | Murray, | Wilmer—39. |
| Farrow, | | |

NEGATIVE.

| | | |
|-------------|-----------------|--------------|
| Messrs. | Negley, | Stockbridge, |
| Cunningham, | Parker, | Swope, |
| Duvall, | Ridgely, | Wickard, |
| Hatch, | Smith, of Dor., | Wooden—12. |
| King, | | |

So the question upon its adoption was decided in the affirmative.

Mr. Stirling submitted the following amendment :

Add to the section the following:

“Provided the Mayor and City Council of Baltimore shall have the power to add the additional sum of one thousand dollars to the salaries of each of said Judges, to be paid by the Mayor and City Council of Baltimore;”

Decided in the negative.

Mr. Cushing submitted the following amendment:

Add to the section the following:

“Provided, the Mayor and City Council of Baltimore shall add the additional sum of one thousand dollars to the salaries of each of said Judges, to be paid by the Mayor and City Council;”

Decided in the negative.

On motion of Mr. Cunningham,

The rules were suspended, and he submitted the following order:

Ordered, That when this Convention adjourns to-day, it stands adjourned to meet on Monday next at 12 o'clock.

Mr. Cushing moved to strike out the word “twelve,” and insert “half-past twelve;”

Decided in the negative.

The question recurring upon the adoption of the order,

It was decided in the affirmative.

Mr. Lansdale, from the minority of the Committee on Schedule, submitted the following report:

The undersigned, a minority of the members of the committee on Provisions and Ordinances as may be desirable to carry into effect Amendments to the Constitution, report that

they dissent from the report submitted by the majority of the Committee.

First. Because they believe the authority given to soldiers in camp to vote at all elections, will utterly fail to have the effect proposed by those who advocate the measure; on the contrary, as the undersigned believe, it will enable the officers who command the soldiers, to control the votes of those who feel and know the power of their officers, to make them suffer in various ways the penalty of disobedience to their wishes. To a soldier on duty, the first great lesson taught, is obedience to his commanding officer. Military necessity requires a rigid exaction of this duty, it allows of no discussion or discretion. To fail in the smallest respect insures harsh treatment, even in cases where martial law prescribes no specific penalty. It will not be doubted that the only safe approach to the favor of an officer is to gratify his wishes by voting his ticket.

Second. But whatever may be the propriety of taking the votes of soldiers or their officers, the undersigned cannot permit themselves to doubt of the concurrence of the Convention in their determined opposition to so much of the report of the majority as provides for the immediate operation of portions of the Constitution before its adoption by the people. Surely if any one proposition, in regard to our proceedings was universally accepted by all who voted, whether for or against a Convention, it was this, that its work was to be submitted to and accepted by the people of the State before it should have any effect. Yet the majority propose that now at the very moment when the question of adoption is being taken, in the very act of taking that question, the people shall be bound and governed by it, so far as it relates to some of its most important and vital changes of the existing system of government. What a strange spectacle would be exhibited if the provisions now proposed should be enforced as part of the new Constitution, in direct opposition to the existing Constitution, and yet the result show that the people will not accept the new Constitution? The present Constitution exists until the new one is adopted. How then can the provisions of the present Constitution be violated, or interfered with, until the new one has an existence by the adoption of the people? The great purpose of the majority seems to be, to deprive those who form the constituency of this Convention of the privilege secured to them by the present Constitution of passing upon the work of this body, and to this end, by newly contrived oaths and by the aid of the military, to confirm their proceedings. For these amongst other reasons, the undersigned

protest against the Report in the particulars mentioned. All which is respectfully submitted, &c.

THOS. LANSDALE,
A. J. CRAWFORD.

Which was read.

On motion of Mr. Cushing,
The Convention adjourned.

MONDAY, August 29th, 1864.

The Convention met at 12 o'clock, M.

Prayer by the Rev. Mr. McNemar.

All the members present except the following :

Messrs. Barron, Belt, Berry, of Baltimore county, Berry, of Prince George's, Brown, Clarke, Crawford, Dail, Dent, Edelen, Gale, Harwood, Henkle, Horsey, Johnson, Jones, of Cecil, Jones, of Somerset, Lansdale, Mace, Marbury, Mayhugh, Mitchell, Noble, Peter, Pugh, Ridgely, Robinette, Sands, Schlosser, Smith, of Carroll, Smith, of Dorchester, Thruston—32.

The proceedings of Saturday were read and approved.

On motion of Mr. Valliant,

It was ordered to be entered on the Journal, that Mr. Geo. W. Sands, is detained from his seat in the Convention by business connected with the coming draft.

Mr. Mulliken submitted the following order :

Ordered, That until the final adjournment of the Convention, three sessions daily shall be held, commencing at half-past nine o'clock, A. M., half-past three o'clock, P. M., and eight o'clock, P. M.

Mr. Audoun moved to lay the order on the table ;

The question being on the adoption of the motion ;

Mr. Hebb demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|--------------------|-----------|--------------|
| Messrs. | Duvall, | Parker, |
| Audoun, | Hodson, | Parran, |
| Billingsley, | Hoffman, | Sneary, |
| Blackiston, | Hollyday, | Stirling, |
| Bond, | King, | Stockbridge, |
| Briscoe, | Larsh, | Sykes, |
| Carter, | Lee, | Todd, |
| Cunningham, | Miller, | Valliant, |
| Davis, of Charles, | Nyman, | Wilmer—27. |
| Dennis, | | |

NEGATIVE.

| | | |
|-------------------|-----------|-----------------|
| Messrs. | Farrow, | Murray, |
| Goldsborough, Pt. | Galloway, | Negley, |
| Abbott, | Greene, | Purnell, |
| Annan, | Hatch, | Russell, |
| Baker, | Hebb, | Schley, |
| Brooks, | Hopkins, | Scott, |
| Cushing, | Hopper, | Smith, of Wor., |
| Daniel, | Keefer, | Swope, |
| Davis, of Wash. | Kennard, | Thomas, |
| Dellinger, | Markey, | Wickard, |
| Earle, | McComas, | Wooden—34. |
| Ecker, | Mullikin, | |

So the question upon its adoption was decided in the negative.

The question recurring upon the adoption of the order,

Mr. Mulliken demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|-----------|-----------------|
| Messrs. | Galloway, | Murray, |
| Goldsborough, P't | Greene, | Negley, |
| Abbott, | Hatch, | Purnell, |
| Annan, | Hebb, | Russell, |
| Baker, | Hopkins, | Schley, |
| Daniel, | Hopper, | Scott, |
| Davis, of Wash., | Keefer, | Smith, of Wor., |

| | | |
|------------|-----------|--------------|
| Dellinger, | Kennard, | Stockbridge, |
| Earle, | Markey, | Swope, |
| Ecker, | McComas, | Wickard, |
| Farrow, | Mullikin, | Wooden—32. |

NEGATIVE.

| | | |
|--------------------|-----------|------------|
| Messrs. | Dennis, | Parker, |
| Audoun, | Duvall, | Parran, |
| Billingsley, | Hodson, | Sneary, |
| Blackiston, | Hoffman, | Stirling, |
| Bond, | Hollyday, | Sykes, |
| Briscoe, | King, | Thomas, |
| Brooks, | Larsh, | Todd, |
| Carter, | Lee, | Turner, |
| Cunningham, | Miller, | Valliant, |
| Cushing, | Morgan, | Wilmer—31. |
| Davis, of Charles, | Nyman, | |

So the question upon its adoption was decided in the affirmative.

Mr. Valliant submitted the following order :

Ordered, That the Comptroller of the Treasury be, and is hereby authorized and empowered to contract for the printing of six thousand copies of the Constitution, and that the Librarian be directed to distribute the same among the members, as early as practicable after the adjournment without day of the Convention, and that the cost of said distribution be paid by the Comptroller.

On motion of Mr. Stockbridge,

The consideration of the order was postponed until tomorrow.

The Convention proceeded to the consideration of the Report of the Committee on the Judiciary.

Mr. Thomas submitted the following amendment :

Strike out section 33, and insert :

Sec. 33. There shall be a Clerk of the Superior Court of Baltimore city, and a Clerk of the Circuit Court of Baltimore city, and a Clerk of the Court of Common Pleas in Baltimore city, and a Clerk of the Criminal Court of Baltimore city, and each of the said Clerks shall be elected by the legal and qualified voters of said city, and shall hold his office for six years from the first day of January succeeding his election, and until his successor is elected and qualified, and be re-eligible thereto, subject to be removed for wilful neglect

of duty or other misdemeanor in office on conviction in a Court of Law. In case of a vacancy in the office of a Clerk of any of said Courts the Judge of the Court, of which he was Clerk, shall have the power to appoint a Clerk until the general election for county officers held next thereafter.

Decided in the affirmative.

Mr. Thomas submitted the following amendment :

Strike out section 34, and insert the following :

“Sec. 34. The present Clerk of the Superior Court, of Baltimore city, and of the Court of Common Pleas, in Baltimore city, and of the Criminal Court, of Baltimore, shall continue to act as Clerks of said Courts respectively, during the time for which they were severally elected, and in case of the death, resignation or disqualification of either of said Clerks before the expiration of the time for which they were elected, the Judge of the Court, where such death, resignation or other disqualification may occur, shall have the power to appoint a Clerk as provided by the 33rd section of this Article. The present Clerk of the Circuit Court of Baltimore city, shall continue to act as Clerk of said Court, until the first election for county officers, next after the adoption of this Constitution, when a Clerk of said Court shall be elected in the same manner, and hold his office for the same time, and be subject to the same provisions of this Constitution as the Clerks of the Courts in said city ;”

Decided in the affirmative.

Mr. Thomas submitted the following amendment :

Strike out section 35, and insert :

Sec. 35. That Clerk of the Court of Common Pleas, shall have authority to issue within said city, all marriage and other licences required by law, subject to such provisions as the Legislature have now or may hereafter prescribe, and the Clerk of the Superior Court of said city shall have the custody of all deeds, conveyances and other papers now remaining in the office of said Court, and shall hereafter receive and record all deeds, conveyances and other papers which are required by law to be recorded in said city. He shall also have custody of all other papers connected with the proceedings on the Law or Equity side of Baltimore County Court, and of the dockets thereof so far as the same have relation to the city of Baltimore ;

Decided in the affirmative.

Mr. Thomas submitted the following amendment :

Strike out section 36.

Decided in the affirmative.

Mr. Hebb submitted the following amendment :

Insert as an additional section, to follow section 21, the following :

The present Judges of the Circuit Courts shall continue to act as Judges of the respective Circuit Courts within the Judicial Circuits in which they respectively reside, until the expiration of the term for which they were respectively elected, and until their successors are elected and qualified, viz: the present Judges of the first, second, third, fourth, sixth and eighth Judicial Circuits, as organized at the time of the adoption of this Constitution, shall continue to act as Judges respectively of the first, second, fourth, fifth, ninth and twelfth Judicial Circuits, as organized under this Constitution; and an election for Judges of the third, sixth, seventh, eighth, tenth and eleventh Judicial Circuits shall be held on Tuesday next after the first Monday of November, eighteen hundred and sixty-four.

On motion of Mr. Stockbridge,

The consideration of the amendment was postponed until to-morrow.

Mr. Thomas submitted the following amendment :

Sec. —. The Legislature shall, whenever it may think the same proper and expedient, provide by law another Court for the city of Baltimore, to consist of one Judge, to be elected by the legal and qualified voters of said city, who shall be subject to the same constitutional provisions, hold his office for the same term of years, and receive the same compensation as the Judge of the Superior Court of said city, and said Court shall have such jurisdiction and powers as may be prescribed by law; and the General Assembly may reapportion the civil jurisdiction among the several Courts in Baltimore city, from time to time, as in their judgments the public interest and convenience may require;

Decided in the affirmative.

Mr. Audoun submitted the following amendment :

Strike out section 37, and insert :

Sec. 37. The General Assembly, at its first session after the adoption of this Constitution, shall fix the number of Justices

of the Peace and Constables for each ward of the city of Baltimore, and for each election district in the several counties, who shall be elected by the legal and qualified voters thereof, respectively, at the next general election for county officers thereafter, and shall hold their offices for two years from the time of their election, and until their successors in office are elected and qualified; and the General Assembly may, from time to time, increase or diminish the number of Justices of the Peace and Constables to be elected in the several wards and election districts, as the wants and interests of the people may require. They shall be, by virtue of their offices, conservators of the peace in the said counties and city respectively, and shall have such duties and compensation as now exist, or may be provided for by law. In the event of any two or more persons who shall have the highest and an equal number of votes, or a vacancy in the office of a Justice of the Peace, the Governor shall appoint a person to serve as Justice of the Peace until the next regular election of said officers, and in case any two or more persons who shall have the highest and an equal number of votes, or of a vacancy in the office of Constable, the County Commissioners of the county in which a vacancy may occur, or the Mayor and City Council of Baltimore, as the case may be, shall appoint a person to serve as Constable until the next regular election thereafter for said officers. An appeal shall lie in all civil cases from the judgment of a Justice of the Peace to the Circuit Court of the county, or to the Court of Common Pleas of Baltimore city, as the case may be, or if for the recovery of a fine, penalty or forfeiture, to the Criminal Court, and on all such appeals, either party shall be entitled to a trial by jury, according to the laws now existing, or which may be hereafter enacted; and the Mayor and City Council of Baltimore shall have the exclusive power to create, organize and govern such Police force for the good government of said city as they may deem necessary;

Mr. Daniel moved to informally postpone the consideration of the amendment;

Decided in the negative.

The question then being on the adoption of the amendment,

Mr. Stockbridge submitted the following amendment:

Sec. 37. Strike out from "Superior," in line three, to "Court," in line four inclusive, and insert: "Court of Common Pleas, and of the Criminal Court;"

Decided in the affirmative.

Mr. Briscoe submitted the following amendment :

Strike out section 37 down to the word "require," in the sixth line and insert :

"The County Commissioners of the several counties of this State shall appoint in each election district of the several counties, and the Mayor and City Council of the city of Baltimore, shall appoint for the city of Baltimore, such number of Justices of the Peace and Constables as the wants and interests of the people may require;"

Decided in the affirmative.

Mr. Stirling submitted the following amendment:

Strike out the words "as the wants and interests of the people may require," and insert "as now are, or may hereafter be fixed by the General Assembly;"

Decided in the affirmative.

Mr. Stockbridge submitted the following amendment:

In line eight, after "Peace," insert "and Constables;"

Decided in the affirmative.

Mr. Thomas submitted the following amendment:

After the word "law," in the thirteenth line insert:

"And shall be subject to removal by the Judge of the county or city having Criminal jurisdiction, for willful neglect of duty or misdemeanor in office on conviction in a Court of Law;"

Decided in the affirmative.

The question then recurring upon the adoption of the amendment submitted by Mr. Audoun ;

Mr. Stockbridge submitted the following amendment:

Strike out all after the word "enacted," in line twenty-seven;

Decided in the affirmative.

Mr. Thomas submitted the following amendment:

After the word "law," in the first line insert:

"And shall be subject to be removed by the Judge of the county or city having Criminal jurisdiction, for willful neglect of duty or misdemeanor in office, on conviction in a Court of Law;"

Decided in the affirmative.

Mr. Thomas submitted the following amendment:

Strike out "or Constables," whenever it occurs;

Decided in the negative.

Mr. Stockbridge submitted the following amendment :

After the word "for," and before the word "wilful," insert the word "incompetency ;"

Decided in the affirmative.

The question recurring upon the adoption of the amendment of Mr. Audoun, as amended ;

Mr. Daniel demanded the yeas and nays ;

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|------------------|----------|--------------|
| Messrs. | Ecker, | Nyman, |
| Annan, | Hatch, | Sneary, |
| Audoun, | Hoffman, | Stockbridge, |
| Blackiston, | Keefer, | Swope, |
| Brooks, | Kennard, | Thomas, |
| Cunningham, | Larsh, | Wickard, |
| Davis, of Wash., | Morgan, | Wooden—21. |
| Dellinger, | | |

NEGATIVE.

| | | |
|--------------------|-----------|-----------------|
| Messrs. | Galloway, | Parker, |
| Goldsborough, P't | Greene, | Parran, |
| Abbott, | Hebb, | Purnell, |
| Baker, | Hollyday, | Russell, |
| Billingsley, | Hopkins, | Schley, |
| Briscoe, | Hopper, | Scott, |
| Carter, | King, | Smith, of Wor., |
| Chambers, | Lee, | Stirling, |
| Daniel, | McComas, | Sykes, |
| Davis, of Charles, | Miller, | Todd, |
| Duvall, | Mullikin, | Turner, |
| Earle, | Murray, | Valliant, |
| Farrow, | Negley, | Wilmer—38. |

So the question upon its adoption was decided in the negative.

Mr. Daniel, submitted the following amendment to section 37 :

Strike out the words "Justices of the Peace and," and insert after the word "Constables," "and the Judges of the Circuit Courts of the several counties, and the Judges of the Court of Common Pleas and the Criminal Court of Baltimore city, such a number of Justices of the Peace ;"

Pending the consideration of which,

On motion of Mr. Purnell,

The Convention took a recess until half-past three o'clock.

AFTERNOON SESSION.

The Convention met at 3½ o'clock, P. M.

All the members present except the following:

Messrs. Audoun. Barron, Belt, Berry, of Baltimore county, Berry, of Prince George's, Billingsley, Bond, Briscoe, Brooks, Brown, Carter, Chambers, Clarke, Crawford, Cunningham, Dail, Daniel, Dent, Edelen, Gale, Galloway, Harwood, Hatch, Henkle, Hodson, Horsey, Johnson, Jones, of Cecil, Jones, of Somerset, Kennard, King, Lansdale, Larsh, Mace, Marbury, Markey, Mayhugh, Mitchell, Miller, Mullikin, Noble, Parker, Peter, Pugh, Ridgely, Robinette, Sands, Schlosser, Smith, of Carroll, Smith, of Dorchester, Thruston, Todd, Valliant, Wickard, Wilmer—55.

Mr. Farrow moved a call of the Convention;

The motion being sustained,

The roll was called, and the following members responded:

Messrs. Goldsborough, (President,) Abbott, Annon, Baker, Blackiston, Cushing, Davis, of Charles, Davis, of Washington, Dellinger, Dennis, Duvall, Earle, Ecker, Farrow, Greene, Hebb, Hoffman, Hollyday, Hopkins, Hopper, Keefer, Lee, McComas, Morgan, Murray, Negley, Nyman, Parran, Purnell, Russell, Schley, Scott, Smith, of Worcester, Sneary, Stirling, Stockbridge, Swope, Sykes, Thomas, Turner, Wooden—39.

On motion of Mr. Farrow,

The Sergeant-at-Arms was sent after the absent members.

The Sergeant-at-Arms returned and reported that he had notified all the absentees he could find in the city.

The roll was again called, and the following members responded :

Messrs. Goldsborough, (President,) Abbott, Annan, Audoun, Baker, Billingsley, Blackiston, Bond, Briscoe, Carter, Chambers, Cunningham, Cushing, Dail, Daniel, Davis, of Charles, Davis, of Washington, Dellinger, Dennis, Duvall, Earle, Ecker, Farrow, Galloway, Greene, Hatch, Hebb, Hoffman, Hollyday, Hopkins, Hopper, Keefer, Kennard, King, Larsh, Lee, Markey, McComas, Morgan, Mullikin, Murray, Negley, Nyman, Parker, Parran, Purnell, Russell, Schley, Scott, Smith, of Worcester, Sneary, Stirling, Stockbridge, Swope, Sykes, Thomas, Todd, Turner, Valliant, Wickard, Wooden—60.

On motion of Mr. Stockbridge,

Further proceedings under the call were dispensed with.

The Convention resumed the consideration of the report of the Committee on the Judiciary Department.

The question being on the adoption of the amendment submitted by Mr. Daniel,

Mr. Negley submitted the following amendment to the amendment:

Strike out "Judges of the Circuit Court of the several counties, and the Judges of the Court of Common Pleas and the Criminal Court of Baltimore city," and insert "the Governor by and with the advice and consent of the Senate;"

Decided in the affirmative.

The question recurring upon the adoption of the amendment submitted by Mr. Daniel;

Mr. Morgan demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|---------|-----------|----------|
| Messrs. | Greene, | Parker, |
| Annan, | Hebb, | Purnell, |
| Baker, | Hollyday, | Russell, |
| Bond, | Hopkins, | Schley, |

| | | |
|-----------------|-----------|-----------------|
| Chambers, | Hopper, | Scott, |
| Cunningham, | Lee, | Smith, of Wor., |
| Cushing, | McComas, | Sneary, |
| Daniel, | Miller, | Stirling, |
| Davis, of Wash. | Mullikin, | Swope, |
| Earle, | Murray, | Sykes, |
| Galloway, | Nyman, | Todd—31. |

NEGATIVE.

| | | |
|-------------------|----------|--------------|
| Messrs. | Ecker, | Morgan, |
| Goldsborough, P't | Farrow, | Negley, |
| Abbott, | Hatch, | Parran, |
| Audoun, | Hoffman, | Stockbridge, |
| Billingsley, | Keefer, | Thomas, |
| Blackiston, | Kennard, | Turner, |
| Briscoe, | King, | Valliant, |
| Carter, | Larsh, | Wickard, |
| Dellinger, | Markey, | Wooden—27. |
| Duvall, | | |

So the question upon its adoption was decided in the affirmative.

Mr. Miller submitted the following amendment :

Strike out all after the word “require,” in the 6th line to the word “the,” in the 9th line ;”

Decided in the affirmative.

Mr. Stockbridge submitted the following amendment :

“And shall be subject to removal by the Judge having Criminal Jurisdiction in the county or city for incompetency, willful neglect of duty, or misdemeanor in office, on conviction in a Court of Law ;”

Mr. Briscoe moved to strike out the word “incompetency ;”

Decided in the negative.

The question recurring upon the amendment submitted by Mr. Stockbridge :

It was decided in the affirmative.

Mr. Hebb moved to transpose the amendment so as to read :

“Sec. 37. The Governor by and with the consent of the Senate, shall appoint such number of Justices of the Peace, &c.”

Decided in the affirmative.

The question recurring upon the adoption of the section as amended, to wit:

Sec. 37. The Governor by and with the advice and consent of the Senate, shall appoint such number of Justices of the Peace, and the County Commissioners of the several counties, and the Mayor and Council of the city of Baltimore shall appoint such number of Constables for the several Election Districts of the counties and Wards of the city of Baltimore, as are now or may hereafter be prescribed by law, and Justices of Peace and Constables so appointed shall be subject to removal by the Judge having criminal jurisdiction in the county or city, for incompetency, willful neglect of duty, or misdemeanor in office, on conviction in a Court of law. The Justices of the Peace and Constables so appointed and commissioned, shall be conservators of the peace, shall hold their office for two years, and shall have such jurisdiction, duties and compensation, subject to such right of appeal, as hath been heretofore exercised, or shall be hereafter prescribed by law. "

Mr. Thomas demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|-----------|-----------------|
| Messrs. | Galloway, | Nyman, |
| Goldsborough, P't | Greene, | Purnell, |
| Abbott, | Hatch, | Russell, |
| Annan, | Hebb, | Schley, |
| Audoun, | Hollyday, | Scott, |
| Baker, | Hopkins, | Smith, of Wor., |
| Bond, | Hopper, | Stirling, |
| Chambers, | Lee, | Stockbridge, |
| Cunningham, | Markey, | Swope, |
| Cushing, | McComas, | Sykes, |
| Daniel, | Miller, | Thomas, |
| Earle, | Mullikin, | Todd, |
| Farrow, | Murray, | Valliant—38. |

NEGATIVE.

| | | |
|------------------|----------|------------|
| Messrs. | Hoffman, | Parker, |
| Billingsley, | Keefer, | Parran, |
| Blackiston, | Kennard, | Sneary, |
| Briscoe, | King, | Turner, |
| Davis, of Wash., | Larsh, | Wickard, |
| Duvall, | Morgan, | Wooden—19. |
| Ecker, | Negley, | |

So the question upon its adoption was decided in the affirmative.

Mr. Thomas moved that the Convention take a recess until 8 o'clock ;

Decided in the negative.

Mr. Briscoe moved that the Convention adjourn.

On motion of Mr. Hebb,
The Convention took a recess until 8 o'clock.

EVENING SESSION.

The Convention met at 8 o'clock, P. M.

All the members present except the following :

Messrs. Barron, Belt, Berry, of Baltimore county, Berry, of P. George's, Billingsley, Blackiston, Bond, Briscoe, Brooks, Brown, Chambers, Clarke, Crawford, Dail, Davis, of Charles, Dennis, Dent, Duvall, Edelen, Gale, Harwood, Henkle, Hodson, Horsey, Johnson, Jones, of Cecil, Jones, of Somerset, Lansdale, Lee, Mace, Marbury, Mayhugh, Mitchell, Miller, Morgan, Noble, Parran, Peter, Ridgely, Robinette, Schlosser, Smith, of Carroll, Smith, of Dorchester, Thruston, Turner, Wilmer—46.

The Convention resumed the consideration of the report of the Committee on the Judiciary Department.

Mr. Thomas submitted the following amendment :

Sec. 38. Strike out all after the word "qualified," in the sixth line, to "shall," in the same line;

Decided in the affirmative.

Mr. Negley submitted the following amendment :

Sec. 38, line five, strike out the word "two," and insert the word "four;"

Decided in the negative.

On motion of Mr. McComas, (seconded by Messrs. Annon and Abbott,)

The vote, by which the amendment submitted by Mr. Thomas was adopted, was reconsidered.

The question recurring upon the adoption of the amendment, submitted by Mr. Thomas, to strike out the words "and shall be ineligible for two years thereafter;"

It was decided in the negative.

Mr. Hebb submitted the following amendment :

At the end of 12th section insert:

"The present Chief Justice and Associate Justices of the Court of Appeals shall continue to act as such until the expiration of the term for which they were respectively elected, and until their successors are elected and qualified; and an election for a Judge of the Court of Appeals, to be taken from the fourth Judicial District shall be held on Tuesday next after the first Monday of November, eighteen hundred and sixty-four;"

Decided in the affirmative.

Mr. Hebb submitted the following amendment :

Insert as an additional section the following:

"Sec. 24. In case of the death, resignation, removal or other disqualification of a Judge of an Orphans' Court, the Governor by, and with the advice and consent of the Senate, shall appoint a person duly qualified to fill said office for the residue of the term thus made vacant;"

Decided in the affirmative.

On motion of Mr. Stockbridge,

The Convention proceeded to the consideration of the report of the Committee on the Militia and Military Affairs.

Mr. Russell submitted the following amendment :

Section 1. Add at the end, "but persons whose religious opinions and conscientious scruples forbid them to bear arms, shall be relieved from doing so, on producing to the proper authorities satisfactory proof that they are thus conscientious;"

Decided in the affirmative.

Mr. Todd moved that the Convention do now adjourn;

The question being on the adoption of the motion,

Mr. Wooden demanded the yeas and nays,
 The demand being sustained,
 The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|------------------|-----------|-----------------|
| Messrs. | Hollyday, | Sands, |
| Andoun, | King, | Scott, |
| Carter, | Negley, | Smith, of Wor., |
| Cunningham, | Nyman, | Sneary, |
| Davis, of Wash., | Parker, | Todd—15. |
| Dellinger, | | |

NEGATIVE.

| | | |
|-------------------|-----------|--------------|
| Messrs. | Hatch, | Purnell, |
| Goldsborough, P't | Hebb, | Russell, |
| Abbott, | Hoffman, | Schley, |
| Annan, | Hopkins, | Stirling, |
| Baker, | Hopper, | Stockbridge, |
| Cushing, | Keefer, | Swope, |
| Daniel, | Kennard, | Sykes, |
| Earle, | Larsh, | Thomas, |
| Ecker, | McComas, | Valliant, |
| Farrow, | Mullikin, | Wickard, |
| Galloway, | Murray, | Wooden—34. |
| Greene, | Pugh, | |

No quorum voting,

On motion of Mr. Stirling,
 The Convention adjourned.

TUESDAY, August 30th, 1864.

The Convention met at 9½ o'clock, A. M.

Prayer by the Rev. Mr. Owen.

All the members present except the following :

Messrs. Belt, Berry, of Baltimore county, Berry, of Prince George's, Brown, Chambers, Clake, Crawford, Dail, Davis,

of Charles, Dent, Edelen, Gale, Harwood, Henkle, Johnson, Jones, of Somerset, Lansdale, Mace, Marbury, Mitchell, Noble, Peter, Ridgely, Robinette, Schlosser, Sneary, Thruston, Wilmer—28.

The proceedings of yesterday were read and approved.

Mr. Thomas submitted the following order :

Ordered, That the Committee on Accounts issue a certificate in favor of the State Librarian for two hundred dollars, for his services rendered this Convention, in obedience to an appointment by the General Assembly of Maryland, at its last session, in purchasing the necessary stationery for the Convention, and other extra services rendered the Convention during the session.

The question being on the adoption of the order,

Mr. Annon demanded the yeas and nays;

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|--------------|-----------|----------------|
| Messrs. | Farrow, | Murray, |
| Abbott, | Greene, | Parran, |
| Audoun, | Hatch, | Purnell, |
| Barron, | Hebb, | Ridgely, |
| Belt, | Hodson, | Sands, |
| Billingsley, | Hollyday, | Schley, |
| Blackiston, | Kennard, | Smith, of Dor. |
| Briscoe, | Larsh, | Smith, of Wor. |
| Brooks, | Lee, | Stirling, |
| Carter, | Markey, | Swope, |
| Cushing, | McComas, | Sykes, |
| Daniel, | Miller, | Thomas, |
| Dellinger, | Morgan, | Todd, |
| Duvall, | Mullikin, | Turner—42. |
| Earle, | | |

NEGATIVE.

| | | |
|-------------------|------------------|--------------------|
| Messrs. | Hoffman, | Parker, |
| Goldsborough, P't | Hopkins, | Pugh, |
| Annan, | Hopper, | Russell, |
| Baker, | Horsey, | Scott, |
| Bond, | Jones, of Cecil, | Smith, of Carroll, |
| Cunningham, | Keefer, | Stockbridge, |
| Davis, of Wash., | King, | Valliant, |

Dennis,
Ecker,
Galloway,

Mayhugh,
Negley,
Nyman,

Wickard,
Wooden—29.

So the question upon its adoption was decided in the affirmative.

Mr. Valliant submitted the following order :

Ordered, That the President of this Convention shall be authorized, after the final adjournment of this Convention, to make order for the payment of all bills remaining unpaid in connection with the reporting and printing of the Journal of Debates, whenever the same shall be presented to him duly certified as correct by Mr. Joseph H. Audoun, or some other member of the Committee on Reporting and Printing.

On motion of Mr. Valliant,

The said order was referred to the Committee on Accounts.

On motion of Mr. Barron,

It was ordered to be entered on the Journal, that had John Barron been in his seat on Friday 26th inst., he would have voted against the section added to the Judiciary article, providing a system of involuntary apprenticeship; and in favor of the amendment which was offered thereto designed to secure such apprentices education so as to enable them to read and write.

On motion of Mr. Smith, of Dorchester.

It was ordered to be entered on the Journal, that Alward Johnson is absent from his seat in the Convention, in consequence of sickness.

The order submitted by Mr. Valliant on yesterday, authorizing the printing of six thousand copies of the Constitution ;

Was taken up.

Mr. Todd moved to strike out "six" and insert "ten;"

Mr. Wickard moved to strike out "six" and insert "thirty" and after the word Constitution insert, "five thousand to be in the German language ;"

Decided in the negative.

Mr. Ridgely moved to strike out "six" and insert "fifty," and after the word Constitution insert, "ten thousand copies to be printed in the German language ;"

Decided in the affirmative.

The question being on the adoption of the order as amended,

Mr. Stockbridge submitted the following amendment :

Strike out all after the word "that" in the first line, and insert :

"The Chair appoint a committee of three to contract with the Baltimore American or some other newspaper or newspapers, for the publication of the Constitution entire in extra newspaper form, 5000 copies in the German language and 50,000 in the English, to be distributed as follows : two hundred copies to be furnished to each member of the Convention and the remainder to be equally distributed by said committee among the various county newspapers and postmasters who will promptly distribute the same among the people, the copies to be furnished by the contractor for printing the same within one week after the final adjournment of this Convention ;"

Mr. Wickard moved to amend the amendment by striking out the words "five thousand," before the words "copies to be printed in the German language," and insert "ten thousand ;"

Decided in the affirmative.

The question recurring upon the adoption of the amendment submitted by Mr. Stockbridge, as amended,

It was decided in the affirmative.

On motion of Mr. Todd,

It was ordered to be entered that the continued absence of T. S. Noble, of Caroline county, from his seat in this Convention is occasioned by a protracted illness.

The resolution submitted by Mr. Abbott on Saturday, in reference to calling the Convention together in case of an interference with the election by an invasion of the public enemy,

Was taken up ;

Mr. Abbott amended his resolution so as to read :

Resolved, That in view of the uncertain condition of affairs in this State, owing to the possibility of an invasion by the public enemy, which may interfere with the expression of the popular will on the day to be fixed for voting on this

Constitution, that this Convention, when it adjourns, for the purpose of taking the sense of the people on this Constitution, it stand adjourned subject to the call of the President, and in case of the death or disqualification of the President, (H. H. Goldsborough,) Frederick Schley, of Frederick county, Joseph B. Pugh, of Cecil county, Henry Stockbridge, of Baltimore city, Wm. T. Purnell, of Worcester county, be and they are hereby authorized, in the order in which they are named, to act as President, and call the Convention together; but should the day appointed for the adoption or rejection of this Constitution pass without interruption, then the President shall declare, through the public press, the final adjournment without day of this Convention, and no per diem shall be allowed for the recess;

The question being on the adoption of the resolution, as amended,

Mr. Dennis demanded the yeas and nays;

The demand being sustained,

The yeas and nays were called, and appeared as follows:

AFFIRMATIVE.

| | | |
|-------------------|------------------|-----------------|
| Messrs. | Hebb, | Pugh, |
| Goldsborough, P't | Hoffman, | Purnell, |
| Abbott, | Hopkins, | Ridgely, |
| Annan, | Hopper, | Russell, |
| Audoun, | Jones, of Cecil, | Sands, |
| Baker, | Keefer, | Schley, |
| Carter, | Kennard, | Scott, |
| Cunningham, | King, | Smith, of Wor., |
| Cushing, | Larsh, | Stirling, |
| Daniel, | Markey, | Stockbridge, |
| Davis, of Wash., | Mayhugh, | Swope, |
| Dellinger, | McComas, | Sykes, |
| Earle, | Mullikin, | Thomas, |
| Ecker, | Murray, | Todd, |
| Farrow, | Negley, | Valliant, |
| Galloway, | Nyman, | Wickard, |
| Greene, | Parker, | Wooden—51. |
| Hatch, | | |

NEGATIVE.

| | | |
|--------------|---------|---------|
| Messrs. | Dennis, | Lee, |
| Billingsley, | Dent, | Miller, |
| Blackiston, | Duvall, | Morgan, |
| Bond, | Hodson, | Parran, |

Briscoe,
Brown,
Chambers,

Hollyday,
Horsey,

Smith, of Dor.,
Turner—18.

So the question upon its adoption was decided in the affirmative.

On motion of Mr. Stockbridge,

The Convention proceeded to the consideration of bills upon their third reading.

The report of the Committee on the Elective Franchise,
Was taken up ;

Mr. Briscoe moved to open the second section of the report for amendment.

The question being upon the adoption of the motion,

Mr. Briscoe demanded the yeas and nays ;

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|--------------|-----------|----------------|
| Messrs. | Chambers, | Lee, |
| Billingsley, | Clarke, | Miller, |
| Blackiston, | Dennis, | Morgan, |
| Bond, | Dent, | Parran, |
| Briscoe, | Hollyday, | Smith of Dor., |
| Brown, | Horsey, | Turner—17. |

NEGATIVE.

| | | |
|-------------------|------------------|--------------------|
| Messrs. | Hebb, | Purnell, |
| Goldsborough, P't | Hoffman, | Ridgely, |
| Abbott, | Hopkins, | Russell, |
| Annan, | Hopper, | Sands, |
| Baker, | Jones, of Cecil, | Schley, |
| Barron, | Keefer, | Scott, |
| Brooks, | Kennard, | Smith, of Carroll, |
| Carter, | Larsh, | Smith, of Wor., |
| Cunningham, | Markey, | Stirling, |
| Cushing, | Mayhugh, | Stockbridge, |
| Daniel, | McComas, | Swope, |
| Davis, of Wash., | Mullikin, | Sykes, |
| Dellinger, | Murray, | Thomas, |
| Earle, | Negley, | Todd, |
| Ecker, | Nyman, | Valliant, |
| Farrow, | Parker, | Wickard, |
| Galloway, | Pugh, | Wooden—51. |
| Greene, | | |

So the question upon its adoption was decided in the negative.

The report was then read the third time and passed by yeas and nays as follows :

AFFIRMATIVE.

| | | |
|-------------------|------------------|--------------------|
| Messrs. | Greene, | Pugh, |
| Goldsborough, P't | Hebb, | Purnell, |
| Abbott, | Hoffman, | Ridgely, |
| Annan, | Hopkins, | Russell, |
| Baker, | Hopper, | Sands, |
| Barron, | Jones, of Cecil, | Schley, |
| Brooks, | Keefer, | Scott, |
| Carter, | Kennard, | Smith, of Carroll, |
| Cunningham, | Larsh, | Smith, of Wor., |
| Cushing, | Markey, | Stirling, |
| Daniel, | Mayhugh, | Stockbridge, |
| Davis, of Wash., | McComas, | Swope, |
| Dellinger, | Mullikin, | Sykes, |
| Earle, | Murray, | Todd, |
| Ecker, | Negley, | Valliant, |
| Farrow, | Nyman, | Wickard, |
| Galloway, | Parker, | Wooden—50. |

NEGATIVE.

| | | |
|--------------|-----------|-----------------|
| Messrs. | Chambers, | Lee, |
| Billingsley, | Clarke, | Miller, |
| Blackiston, | Dennis, | Morgan, |
| Bond, | Dent, | Parran, |
| Briscoe, | Hollyday, | Smith, of Dor., |
| Brown, | Horsey, | Turner—17. |

On motion of Mr. Stockbrikge,

The report of the committee on the Executive Department was taken up ;

Read the third time, and

Passed by yeas and nays as follows:

AFFIRMATIVE.

| | | |
|-------------------|------------------|----------|
| Messrs. | Hatch, | Pugh, |
| Goldsborough, P't | Hebb, | Purnell, |
| Abbott, | Hoffman, | Ridgely, |
| Annan, | Hopkins, | Russell, |
| Audoun, | Hopper, | Sands, |
| Baker, | Jones, of Cecil, | Schley, |
| Barron, | Keefer, | Scott, |

| | | |
|------------------|-----------|--------------------|
| Brooks, | Kennard, | Smith, of Carroll, |
| Carter, | King, | Smith, of Wor., |
| Cunningham, | Larsh, | Stirling, |
| Cushing, | Markey, | Stockbridge, |
| Daniel, | Mayhugh, | Swope, |
| Davis, of Wash., | McComas, | Sykes, |
| Dellinger, | Mullikin, | Thomas, |
| Earle, | Murray, | Todd, |
| Ecker, | Negley, | Valliant, |
| Farrow, | Nyman, | Wickard, |
| Galloway, | Parker, | Wooden—54. |
| Greene, | | |

NEGATIVE.

| | | |
|--------------|-----------|-----------------|
| Messrs. | Chambers, | Horsey, |
| Belt, | Clarke, | Lee, |
| Billingsley, | Dennis, | Morgan, |
| Blackiston, | Dent, | Parran, |
| Briscoe, | Duvall, | Smith, of Dor., |
| Brown, | Hollyday, | —16. |

On motion of Mr. Stockbridge,

The report of the Committee on the Legislative Department, was taken up,

Read the third time, and

Passed by yeas and nays as follows :

AFFIRMATIVE.

| | | |
|-------------------|------------------|-----------------|
| Messrs. | Greene, | Parker, |
| Goldsborough, P't | Hatch, | Pugh, |
| Abbott, | Hebb, | Purnell, |
| Annan, | Hoffman, | Ridgely, |
| Audoun, | Hopkins, | Russell, |
| Baker, | Hopper, | Sands, |
| Barron, | Jones, of Cecil, | Schley, |
| Brooks, | Keefer, | Smith, of Wor., |
| Carter, | Kennard, | Stirling, |
| Cunningham, | King, | Stockbridge, |
| Cushing, | Larsh, | Swope, |
| Daniel, | Markey, | Sykes, |
| Davis, of Wash., | Mayhugh, | Thomas, |
| Dellinger, | McComas, | Todd, |
| Earle, | Mullikin, | Valliant, |
| Ecker, | Murray, | Wickard, |
| Farrow, | Negley, | Wooden—51. |
| Galloway, | | |

NEGATIVE.

| | | |
|--------------|-----------|-----------------|
| Messrs. | Chambers, | Horseý, |
| Belt, | Clarke, | Lee, |
| Billingsley, | Dennis, | Morgan, |
| Blackiston, | Dent, | Parran, |
| Briscoe, | Duvall, | Smith, of Dor., |
| Brown, | Hollyday, | —16. |

On motion of Mr. Stockbridge,

The report of the Committee on the Basis of Representation,
Was taken up.

Mr. Cushing moved to dispense with the further reading of
the report.

The question being on the adoption of the motion ;

Mr. Briscoe demanded the yeas and nays ;

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|----------|-----------|
| Messrs. | Brooks, | Kennard, |
| Goldsborough, P't | Cushing, | McComas, |
| Audoun, | Farrow, | Mullikin, |
| Baker, | Hatch, | Swope—13. |
| Barron, | Hebb, | |

NEGATIVE.

| | | |
|------------------|------------------|-----------------|
| Messrs. | Galloway, | Parran, |
| Abbott, | Greene, | Pugh, |
| Belt, | Hoffman, | Purnell, |
| Billingsley, | Hollyday, | Ridgely, |
| Blackiston, | Hopkins, | Russell, |
| Briscoe, | Hopper, | Sands, |
| Brown, | Horseý, | Schley, |
| Chambers, | Jones, of Cecil, | Smith, of Dor., |
| Clarke, | Keefer, | Smith, of Wor. |
| Cunningham, | King, | Stirling, |
| Daniel, | Larsh, | Stockbridge, |
| Davis, of Wash., | Lee, | Sykes, |
| Dellinger, | Markey, | Thomas, |
| Dennis, | Mayhugh, | Todd, |
| Dent, | Morgan, | Valliant, |
| Duvall, | Murray, | Wickard, |
| Earle, | Negley, | Wooden—52. |
| Ecker, | Parker, | |

So the question upon its adoption was decided in the negative.

Mr. Hollyday moved to open the third section of the report for an amendment which he desired to offer;

The question being on the adoption of the motion,

Mr. Mayhugh demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|------------------|-----------------|
| Messrs. | Greene, | Mullikin, |
| Goldsborough, P't | Hodson, | Nyman, |
| Billingsley, | Hoffman, | Parker, |
| Blackiston, | Hollyday, | Parran, |
| Bond, | Hopkins, | Pugh, |
| Briscoe, | Hopper, | Purnell, |
| Brown, | Horsey, | Ridgely, |
| Carter, | Jones, of Cecil, | Sands, |
| Chambers, | Kennard, | Scott, |
| Daniel, | King, | Smith, of Dor., |
| Dellinger, | Larsh, | Smith, of Wor., |
| Dennis, | Lee, | Stirling, |
| Dent, | Markey, | Swope, |
| Duvall, | Miller, | Sykes, |
| Earle, | Morgan, | Todd—45. |
| Ecker, | | |

NEGATIVE.

| | | |
|---------|------------------|-------------|
| Messrs. | Cunningham, | Mayhugh, |
| Abbott, | Cushing, | McComas, |
| Annan, | Davis, of Wash., | Murray, |
| Audoun, | Farrow, | Negley, |
| Baker, | Galloway, | Russell, |
| Barron, | Hatch, | Schley, |
| Belt, | Hebb, | Valliant, |
| Brooks, | Keefer, | Wickard—24. |
| Clarke, | | |

So the question upon its adoption was decided in the negative, a majority of the whole number of the members being required.

Mr. Pugh, (seconded by Messrs. Sands and Ridgely,) moved to reconsider the vote last taken ;

The question being on the adoption of the motion to reconsider.

Mr. Mayhugh demanded the yeas and nays ;
 The demand being sustained,
 The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|------------------|------------------|-----------------|
| Messrs. | Ecker, | Nyman, |
| Goldsborough Pt. | Galloway, | Parker, |
| Belt, | Greene, | Parran, |
| Billingsley, | Hodson, | Pugh, |
| Blackiston, | Hoffman, | Purnell, |
| Bond, | Hollyday, | Ridgely, |
| Briscoe, | Hopkins, | Sands, |
| Brown, | Hopper, | Scott, |
| Carter, | Horsey, | Smith, of Dor., |
| Chambers, | Jones, of Cecil, | Smith, of Wor., |
| Clarke, | Kennard, | Stirling, |
| Daniel, | King, | Swope, |
| Dellinger, | Larsh, | Sykes, |
| Dennis, | Lee, | Todd, |
| Dent, | Markey, | Valliant, |
| Duvall, | Miller, | Wooden—49. |
| Earle, | Morgan, | |

NEGATIVE.

| | | |
|-------------|------------------|--------------|
| Messrs. | Cushing, | Mullikin, |
| Abbott, | Davis, of Wash., | Murray, |
| Annan, | Farrow, | Negley, |
| Audoun, | Hatch, | Russell, |
| Baker, | Hebb, | Schley, |
| Barron, | Keefer, | Stockbridge, |
| Brooks, | Mayhugh, | Wickard—22. |
| Cunningham, | McComas, | |

So the Convention agreed to reconsider the vote.

The question recurring upon the motion to open the section for amendment.

On motion of Mr. Annon,

The Convention took a recess until half past three o'clock.

AFTERNOON SESSION.

The Convention met at 3½ o'clock, P. M.

All the members present except the following :

Messrs. Belt, Berry, of Baltimore county, Berry, of Prince George's, Briscoe, Brown, Clarke, Crawford, Dail, Davis, of Charles, Edelen, Gale, Harwood, Henkle, Hodson, Hopper, Johnson, Jones, of Cecil, Jones, of Somerset, Lansdale, Mace, Marbury, Mitchell, Noble, Peter, Robinette, Schlosser, Sneary, Thruston, Valliant, Wilmer.—30.

The Convention resumed the consideration of the report of the committee on the Basis of Representation ;

The question being on the adoption of the motion submitted by Mr. Holliday, to open the third section for amendment ;

Mr. Pugh moved to suspend the 53rd Rule ;

The question being on the adoption of the motion,

Mr. Abbott demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|-----------|--------------------|
| Messrs. | Hollyday, | Purnell, |
| Goldsborough, P't | Hopkins, | Ridgely, |
| Billingsley, | Horsey, | Sands, |
| Blackiston, | King, | Scott, |
| Bond, | Larsh, | Smith, of Carroll, |
| Briscoe, | Lee, | Smith, of Dor., |
| Daniel, | Markey, | Smith, of Wor., |
| Dennis, | Miller, | Stirling, |
| Dent, | Morgan, | Swope, |
| Duvall, | Mullikin, | Sykes, |
| Earle, | Nyman, | Thomas, |
| Galloway, | Parker, | Todd, |
| Greene, | Parran, | Turner 40. |
| Hoffman, | Pugh, | |

NEGATIVE.

| | | |
|---------|------------------|----------|
| Messrs. | Cushing, | Mayhugh, |
| Abbott, | Davis, of Wash., | McComas, |
| Annan, | Dellinger, | Murray, |

| | | |
|-------------|----------|--------------|
| Audoun, | Ecker, | Negley, |
| Baker, | Farrow, | Russell, |
| Barron, | Hatch, | Schley, |
| Brooks, | Hebb, | Stockbridge, |
| Carter, | Keefer, | Wickard, |
| Cunningham, | Kennard, | Wooden—26. |

So the question upon its adoption was decided in the affirmative.

The question then recurring upon the motion submitted by Mr. Hollyday,

It was decided in the affirmative.

Mr. Hollyday moved to amend the report by striking out the word "one," after the word "Kent," in the eighteenth line, and insert the word "two;"

The question being on the adoption of the amendment,

Mr. Cushing demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|-----------|--------------------|
| Messrs. | Galloway, | Parran, |
| Goldsborough, Pt. | Greene. | Pugh, |
| Belt, | Hoffman, | Purnell, |
| Billingsley, | Hollyday, | Ridgely, |
| Blackiston, | Hopkins, | Sands, |
| Bond, | Hopper, | Scott, |
| Briscoe, | Horse, | Smith, of Carroll, |
| Carter, | Kennard, | Smith, of Wor., |
| Chambers, | King, | Stirling, |
| Clarke, | Larsh, | Swope, |
| Daniel, | Lee, | Sykes, |
| Dellinger, | Markey, | Thomas, |
| Dent, | Miller, | Todd, |
| Duvall, | Mullikin, | Turner, |
| Earle, | Nyman, | Wooden—46. |
| Ecker, | Parker, | |

NEGATIVE.

| | | |
|-------------|-----------------|--------------|
| Messrs. | Cushing, | Murray, |
| Abbott, | Davis, of Wash. | Negley, |
| Annan, | Farrow, | Russell, |
| Audoun, | Hebb, | Schley, |
| Baker, | Keefer, | Stockbridge, |
| Barron, | Mayhugh, | Wickard—19. |
| Cunningham, | McComas, | |

So the question upon its adoption was decided in the affirmative.

Mr. Hopper moved to suspend the 53rd rule to enable him to submit an amendment to the 3rd section of the report of the Committee on the Basis of Representation.

The question being on the adoption of the motion;

Mr. Ridgely demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|-----------|--------------------|
| Messrs. | Hoffman, | Ridgely, |
| Goldsborough, P't | Hollyday, | Sands, |
| Barron, | Hopkins, | Scott, |
| Briscoe, | Hopper, | Smith, of Carroll, |
| Carter, | Kennard, | Smith, of Wor., |
| Chambers, | King, | Stirling, |
| Cunningham, | Larsh, | Stockbridge, |
| Daniel, | McComas, | Swope, |
| Earle, | Mullikin, | Sykes, |
| Ecker, | Parker, | Thomas, |
| Galloway, | Pugh, | Wickard, |
| Greene, | Purnell, | Wooden—35. |

NEGATIVE.

| | | |
|--------------|------------------|------------|
| Messrs. | Davis, of Wash., | Mayhugh, |
| Abbott, | Dellinger, | Miller, |
| Annan, | Dent, | Murray, |
| Baker, | Duvall, | Negley, |
| Belt, | Farrow, | Nyman, |
| Billingsley, | Hebb, | Parran, |
| Blackiston, | Horsey, | Russell, |
| Bond, | Keefer, | Schley, |
| Clarke, | Lee, | Todd, |
| Cushing, | Markey, | Turner—29. |

So the Convention refused to suspend the rule.

Mr. Briscoe moved to suspend the 53rd rule to enable him to submit an amendment to the 3rd section.

Decided in the negative.

Mr. Thomas moved to reconsider the vote by which the amendment submitted by Mr. Hollyday, to increase the representation of Kent county, was adopted.

Mr. Stirling called the previous question ;

The question being,

“Shall the main question be now put?”

It was decided in the affirmative.

The question recurring upon the motion of Mr. Thomas to reconsider.

Mr. Briscoe moved a call of the Convention;

Which was sustained,

On motion of Mr. Stirling,

Further proceedings under the call were dispensed with.

The question again being on the motion submitted by Mr. Thomas, to reconsider the vote by which the amendment of Mr. Hollyday was adopted,

Mr. Abbott demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|-----------|------------|
| Messrs. | Ecker, | Murray, |
| Goldsborough, P't | Farrow, | Negley, |
| Abbott, | Galloway, | Parker, |
| Annan, | Hebb, | Ridgely, |
| Audoun, | Hoffman, | Russell, |
| Baker, | Keefer, | Sands, |
| Barron, | King, | Schley, |
| Cunningham, | Larsh, | Thomas, |
| Cushing, | Mayhugh, | Wickard, |
| Davis, of Wash., | McComas, | Wooden—30. |
| Dellinger, | | |

NEGATIVE.

| | | |
|--------------|-----------|--------------------|
| Messrs. | Duvall, | Nyman, |
| Belt, | Earle, | Parran, |
| Billingsley, | Greene, | Pugh, |
| Blackiston, | Hollyday, | Purnell, |
| Bond, | Hopkins, | Scott, |
| Briscoe, | Hopper, | Smith, of Carroll, |
| Brown, | Horsey, | Smith, of Wor., |
| Carter, | Kennard, | Stirling, |
| Chambers, | Lee, | Stockbridge, |
| Clarke, | Markey, | Swope, |
| Daniel, | Miller, | Sykes, |
| Dent, | Mullikin, | Todd—35. |

So the Convention refused to reconsider the vote.

Mr. Stockbridge moved to open the third section to further amendment ;

Decided in the affirmative.

Mr. Stockbridge submitted the following amendment :

Section 3, line fourteen, strike out the words "seventy-nine," and insert the word "eighty;"

Decided in the affirmative.

Mr. Belt moved to open the third section of the report for further amendment ;

Decided in the negative.

The report, as amended, was then read the third time, and passed by yeas and nays as follows :

AFFIRMATIVE.

| | | |
|--------------------------|-----------|--------------------|
| Messrs. | Greene, | Pugh, |
| Goldsborough, P't | Hebb, | Purnell, |
| Abbott, | Hoffman, | Ridgely, |
| Annan, | Hopkins, | Russell, |
| Audoun, | Hopper, | Sands, |
| Baker, | Keefer, | Schley, |
| Barron, | Kennard, | Scott, |
| Carter, | King, | Smith, of Carroll, |
| Cunningham, | Larsh, | Smith, of Wor., |
| Cushing, | Markey, | Stirling, |
| Daniel, | Mayhugh, | Stockbridge, |
| Davis, of Wash., | McComas, | Swope, |
| Dellinger, | Mullikin, | Sykes, |
| Earle, | Murray, | Thomas, |
| ^{CRIST.} Ecker, | Negley, | Todd, |
| ^{WASH.} Farrow, | Nyman, | Wooden—48. |
| Galloway, | Parker, | |

NEGATIVE.

| | | |
|--------------|-----------|-------------|
| Messrs. | Brown, | Horseý, |
| Belt, | Chambers, | Lee, |
| Billingsley, | Clarke, | Miller, |
| Bond, | Dent, | Parran, |
| Briscoe, | Duvall, | Wickard—14. |

On motion of Mr. Stirling,

The Convention took a recess until 8 o'clock.

EVENING SESSION.

The Convention met at 8 o'clock, P. M.

All the members present except the following :

Messrs. Berry, of Baltimore county, Berry, of Prince George's, Bond, Briscoe, Brooks, Chambers, Crawford, Dail, Davis, of Charles, Dennis, Edelen, Gale, Harwood, Hatch, Hodson, Johnson, Jones, of Cecil, Jones, of Somerset, Mace, Mitchell, Noble, Peter, Robinette, Smith, of Dorchester, Thruston, Valliant, Wilmer—27.

On motion of Mr. Earle,

The Committee on Engrossment and Revision, were permitted to meet during the sessions of the Convention.

On motion of Mr. Stockbridge,

The Convention proceeded to the consideration of the Report of the Committee on Militia and Military Affairs.

Mr. Negley submitted the following amendment :

At the end of the 1st section add the following:

“All married men between the ages of eighteen and forty-five years, who support their families by their daily labor, shall be placed upon the same footing of exemption, as persons whose religious opinions and conscientious scruples forbid them to bear arms;”

The question being on the adoption of the amendment,

Mr. Negley demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|--------------|-----------|--------------------|
| Messrs. | Lansdale, | Miller, |
| Belt, | Lee, | Negley, |
| Billingsley, | Marbury, | Smith, of Carroll, |
| Dent, | Mayhugh, | —11. |
| Henkle, | | |

NEGATIVE.

| | | |
|-------------------|----------|----------|
| Messrs. | Greene, | Ridgely, |
| Goldsborough, P't | Hebb, | Russell, |
| Abbott, | Hoffman, | Sands, |

| | | |
|-----------------|-----------|-----------------|
| Annan, | Hollyday, | Schley, |
| Baker, | Hopkins, | Schlosser, |
| Barron, | Hopper, | Scott, |
| Blackiston, | Horsey, | Smith, of Wor., |
| Brown, | Keefer, | Sneary, |
| Carter, | Kennard, | Stirling, |
| Clarke, | Larsh, | Stockbridge, |
| Cunningham, | Markey, | Swope, |
| Cushing, | McComas, | Sykes, |
| Daniel, | Mullikin, | Thomas, |
| Davis, of Wash. | Parker, | Todd, |
| Ecker, | Pugh, | Wickard, |
| Farrow, | Purnell, | Wooden—48. |
| Galloway, | | |

So the question upon its adoption was decided in the negative.

Mr. Lansdale submitted the following amendment:

Amend by inserting the word “white,” after the words “able bodied,” in first line.

The question being on the adoption of the amendment,

Mr. Lansdale demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|--------------|-----------|------------|
| Messrs. | Clarke, | Horsey, |
| Belt, | Dent, | Lansdale, |
| Billingsley, | Duvall, | Lee, |
| Blackiston, | Henkle, | Marbury, |
| Brown, | Hollyday, | Miller—15. |
| Chambers, | | |

NEGATIVE.

| | | |
|-------------------|-----------|-----------------|
| Messrs. | Hebb, | Russell, |
| Goldsborough, P't | Hoffman, | Sands, |
| Abbott, | Hopkins, | Schley, |
| Annan, | Hopper, | Schlosser, |
| Audoun, | Keefer, | Scott, |
| Baker, | Kennard, | Smith of Car. |
| Barron, | Larsh, | Smith, of Wor., |
| Carter, | Markey, | Sneary, |
| Cunningham, | Mayhugh, | Stirling, |
| Cushing, | McComas, | Stockbridge, |
| Daniel, | Mullikin, | Swope, |

| | | |
|------------------|----------|------------|
| Davis, of Wash., | Negley, | Sykes, |
| Dellinger, | Parker, | Thomas, |
| Ecker, | Pugh, | Todd, |
| Farrow, | Purnell, | Wickard, |
| Galloway, | Ridgely, | Wooden—48. |
| Greene, | | |

So the question upon its adoption was decided in the negative.

Mr. Davis, of Washington, submitted the following amendment :

Third line, strike out the words “forty-five,” and insert “sixty-five;”

Decided in the negative.

Mr. Belt submitted the following amendment :

Provided however, That no one shall be regarded as being capable of serving in the militia of this State, unless he shall first take the oath prescribed in this constitution for civil officers under the same.

Mr. Hebb called the previous question,

The question being,

“Shall the main question be now put?”

It was decided in the affirmative.

The question then being on the adoption of the amendment submitted by Mr. Belt ;

It was decided in the negative.

The question recurring on the adoption of the section as amended ;

Mr. Thomas demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|----------|--------------------|
| Messrs. | Greene, | Russell, |
| Goldsborough, P't | Hebb, | Sands, |
| Abbott, | Hoffman, | Schley, |
| Annan, | Hopkins, | Schlosser, |
| Audoun, | Hopper, | Scott, |
| Baker, | Keefer, | Smith, of Carroll, |
| Barron, | Kennard, | Smith, of Wor., |

| | | |
|------------------|-----------|--------------|
| Carter, | Markey, | Sneary, |
| Cunningham, | Mayhugh, | Stirling, |
| Cushing, | McComas, | Stockbridge, |
| Daniel, | Mullikin, | Swope, |
| Davis, of Wash., | Negley, | Sykes, |
| Dellinger, | Parker, | Thomas, |
| Ecker, | Pugh, | Todd, |
| Farrow, | Purnell, | Wickard, |
| Galloway, | Ridgely, | Wooden—47. |

NEGATIVE.

| | | |
|--------------|-----------|------------|
| Messrs. | Clark, | Horsey, |
| Belt, | Dent, | Lansdale, |
| Billingsley, | Duvall, | Lee, |
| Blackiston, | Henkle, | Marbury, |
| Brown, | Hollyday, | Miller—15. |
| Chambers, | | |

So the question upon its adoption was decided in the affirmative.

Mr. Wickard submitted the following amendment :

Strike out section two of the Majority Report and insert the following :

Sec. 2. The General Assembly shall provide for organizing, equipping and disciplining the Militia in such manner as shall be most effective to repel invasion and suppress insurrection, not incompatible with the laws of the United States ;

Decided in the affirmative.

Mr. Ridgely submitted the following amendment :

Insert after the word “provide,” in the first line of section two, as amended, the words “at its first session after the adoption of this Constitution, and from time to time thereafter as the exigency may require ;”

Decided in the affirmative.

Mr. Stockbridge submitted the following amendment:

Strike out the words “not incompatible with the laws of the United States,” at the end of the section, and insert the same words after “manner,” in line two ;

Decided in the affirmative.

Mr. Belt submitted the following amendment :

After the word "militia," in second line, insert the words "in the city of Baltimore and in every county;"

Decided in the negative.

Mr. Audoun submitted the following amendment :

Add to end of section 2, as amended, the words :

"And shall pass such laws as shall promote the formation of volunteer militia associations in the city of Baltimore and every county, and secure to them such privileges or assistance as may afford them effectual encouragement ;"

Decided in the negative.

Mr. Stirling submitted the following amendment:

Sec. 3. Strike out the words "for the term of — years," and insert "during the pleasure of the Governor ;"

Decided in the affirmative.

Mr. Stirling submitted the following amendment:

Sec. 3. Strike out the words "an annual salary of — dollars," and insert "such compensation as is now or may be hereafter fixed by law ;"

Decided in the affirmative.

Mr. Wickard submitted the following amendment :

Insert the following as section 4 :

Sec. 4. The Militia Officers shall be chosen or appointed as follows : Captains, Subalterns and Non-Commissioned Officers shall be chosen by the written votes of the members of their respective companies ; Field Officers of regiments and separate battalions, by the written votes of the Commissioned Officers of their respective regiments and separate battalions to which they belong ; Brigadier Generals and Brigade Inspectors, by the Field Officers of their respective brigades ; Major Generals, Brigadier Generals and Commanding Officers of regiments or separate battalions, shall appoint the Staff Officers of their respective divisions, brigades, regiments or separate battalions.

The question being upon the adoption of the amendment,

Mr. Wickard demanded the yeas and nays ;

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|--------------|-----------|-------------|
| Messrs. | Clarke, | Lansdale, |
| Abbott, | Dent, | Lee, |
| Audoun, | Duvall, | Marbury, |
| Baker, | Ecker, | Markey, |
| Barron, | Greene, | Miller, |
| Belt, | Hebb, | Negley, |
| Billingsley, | Hollyday, | Schlosser, |
| Blackiston, | Horsey, | Sneary, |
| Brown, | Keefer, | Wickard—27. |
| Chambers, | | |

NEGATIVE.

| | | |
|-------------------|-----------|--------------------|
| Messrs. | Hopkins, | Sands, |
| Goldsborough, P't | Hopper, | Schley, |
| Annan, | Kennard, | Scott, |
| Carter, | Larsh, | Smith, of Carroll, |
| Cunningham, | Mayhugh, | Smith, of Wor., |
| Cushing, | McComas, | Stirling, |
| Daniel, | Mullikin, | Stockbridge, |
| Davis, of Wash., | Parker, | Swope, |
| Dellinger, | Pugh, | Sykes, |
| Farrow, | Purnell, | Thomas, |
| Galloway, | Ridgely, | Todd, |
| Hoffman, | Russell, | Wooden—35. |

So the question upon its adoption was decided in the negative.

Mr. Pugh moved to reconsider the vote by which the amendment submitted by Mr. Audoun to the 2d section was rejected ;

Decided in the affirmative.

The question recurring upon the adoption of said amendment,

It was determined in the affirmative.

The report was then ordered to be engrossed for a third reading.

Mr. Ridgely moved to suspend the rules to place the report on its third reading ;

Decided in the negative.

Mr. Brown moved that the Convention do now adjourn.

Decided in the negative.

Mr. Purnell moved to suspend the rules to enable him to

move to reconsider the vote by which the Convention adopted an order limiting debate to twenty minutes ;

Decided in the negative.

On motion of Mr. Dellinger,
The Convention adjourned.

WEDNESDAY, August 31, 1864.

The Convention met at 9½ o'clock, A. M.

Prayer by the Rev. Mr. Patterson.

All the members present except the following :

Messrs Belt, Berry, of Baltimore county, Berry, of Prince George's, Clarke, Crawford, Dail, Dennis, Edelen, Gale, Harwood, Johnson, Jones, of Cecil, Jones, of Somerset, Mace, Mitchell, Noble, Robinette, Schley, Thruston, Wilmer—20.

The proceedings of yesterday were read and approved.

Mr. Ridgely submitted an order, and moved that it be entered on the Journal of Debates ;

Decided in the affirmative.

Mr. Hoffman submitted the following order:

Ordered, That the Committee on Accounts be instructed to pay to Rev. Mr. Owen, Patterson, Davenport and McNamar, one hundred dollars each, for services rendered as Chaplains to this Convention ;

Mr. Schlosser moved to strike out "one hundred," and insert "one hundred and fifty ;"

Decided in the negative.

The question recurring upon the adoption of the order :

It was decided in the affirmative.

Mr. Hebb submitted the following order :

Ordered, That the Secretary and Collins Tatman, folder, be directed to forward to the several members of the Convention after its adjournment, their copies of the Journal of Debates until it shall have been completed—and the President is requested to issue his certificate for the usual per diem so long as they shall be so employed ;

Mr. Davis, of Washington, moved to strike out the words “Secretary and ;”

Mr. Valliant submitted the following amendment :

Ordered, That the Comptroller be authorized to contract with the Printer for the folding of the Journal of Debates and mailing the same after the adjournment of the Convention ;

On motion of Mr. Pugh,

The consideration of the subject was informally postponed.

Mr. Barron submitted the following order :

Ordered, That the time allowed each member for Debates on any question before the Convention be limited to five minutes, that no extension of time be granted except by a unanimous vote of the members present ;

Mr. Sands moved to strike out “five” and insert “ten;”

Mr. Mayhugh moved to lay the subject on the table ;

The question being on the adoption of the motion,

Mr. Daniel demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|--------------------|-----------------|
| Messrs. | Davis, of Charles, | Markey, |
| Goldsborough, P't | Davis, of Wash., | Mayhugh, |
| Audoun, | Dellinger, | Miller, |
| Barron, | Dent, | Morgan, |
| Billingsley, | Duvall, | Negley, |
| Blackiston, | Henkle, | Parran, |
| Bond, | Hodson, | Scott, |
| Briscoe, | Hollyday, | Smith, of Dor., |
| Brooks, | Horsey, | Sneary, |
| Brown, | Johnson, | Stockbridge, |
| Chambers, | Lansdale, | Sykes, |
| Clarke, | Lee, | Turner, |
| Crawford, | Marbury, | Wilmer —39. |
| Cunningham, | | |

NEGATIVE.

| | | |
|-----------|-----------|--------------------|
| Messrs. | Hopkins, | Russell, |
| Abbott, | Hopper, | Sands, |
| Annan, | Keefer, | Schlosser, |
| Baker, | Kennard, | Smith, of Carroll, |
| Cushing, | Larsh, | Smith, of Wor., |
| Daniel, | McComas, | Stirling, |
| Ecker, | Mullikin, | Swope, |
| Farrow, | Parker, | Thomas, |
| Galloway, | Pugh, | Valliant, |
| Hatch, | Purnell, | Wickard, |
| Hebb, | Ridgely, | Wooden—33. |
| Hoffman, | | |

So the question upon its adoption was decided in the affirmative.

On motion of Mr. Valliant,

It was ordered to be entered on the Journal that Mr. Melancthon Dodson, (Page,) is detained from the Convention by protracted sickness.

Mr. Henkle submitted the following resolutions :

WHEREAS, The subject about to be submitted to the people of the State of Maryland, at the coming election for the adoption of a new Constitution, being simply a question of preference for the present or the proposed Constitution, a question affecting vitally the interests of all our people and the future welfare of the State ; and

WHEREAS, It is of the most paramount importance that the people should be thoroughly informed of the nature and tendency of the issues about to be decided in order that they may vote intelligently thereon ; therefore,

Resolved, 1st. That the right of the people peaceably to assemble and publicly discuss questions of public interest, is an inalienable right and essential to their liberties, hence we desire that the people shall so peaceably assemble in public places and fully, freely, fairly, and without any molestation whatever, discuss the questions now submitted to their consideration.

Resolved, 2nd. That we recognize as a fundamental principle of liberty, that "all good government derives its authority from the consent of the governed," and to this end in the language of the Fifth Article of our Bill of Rights, "every free white male citizen, having the qualifications prescribed by the Constitution, ought to have the right of suffrage."

Which was read the first time.

On motion of Mr. Stirling,

The rules were suspended and he submitted a petition from the President and Members of the Corn Exchange of Baltimore, praying the adoption of the report of the committee on Usury ;

Which was read.

Mr. Galloway from the Committee on Accounts submitted the following

REPORT :

To the Honorable,

The President of the Convention.

The Committee on Accounts in compliance with the order passed the 30th instant, respectfully report that after a careful examination of said order, they recommend that the President of the Convention pay all bills for reporting and printing of the Journal of Debates remaining unpaid after the adjournment of the said Convention when the same are duly certified as correct by Mr. Joseph H. Audoun or some other member of the committee on reporting and printing.

All of which is respectfully submitted,

WM. GALLOWAY, Ch'r.

WM. S. WOODEN,

THOMAS RUSSELL,

H. BAKER,

E. L. PARKER.

Which was read.

The Convention proceeded to the consideration of the report of the Committee on the Judiciary ;

The question being on the amendment submitted by Mr. Hebb to insert as an additional section, to follow section 21, the following :

The present Judges of the Circuit Courts shall continue to act as Judges of the respective Circuit Courts within the Judicial Circuits in which they respectively reside, until the expiration of the term for which they were respectively elected, and until their successors are elected and qualified, viz : the present Judges of the first second, third, fourth, sixth and eighth Judicial Circuits, as organized at the time of the adoption of this Constitution, shall continue to act as Judges

respectively of the first, second, fourth, fifth, ninth and twelfth Judicial Circuits, as organized under this Constitution ; and an election for Judges of the third, sixth, seventh, eighth, tenth and eleventh Judicial Circuits shall be held on Tuesday next after the first Monday of November, eighteen hundred, and sixty-four ;”

Mr. Parran submitted the following amendment to the amendment :

Insert after the word “elected,” in the fifth line the words “or until they shall have attained the age of seventy years ;”

Decided in the negative.

The question recurring upon the adoption of the amendment submitted by Mr. Hebb,

It was decided in the affirmative.

Mr. Thomas submitted the following amendment:

Insert as an additional section the following :

“Sec. —. The present Judges of the several Courts of Baltimore city shall continue to act as such until the expiration of the terms for which they were respectively elected, and until their successors are elected and qualified ;”

Decided in the affirmative.

Mr. Hebb moved to reconsider the vote by which section twenty-four was adopted :

Decided in the affirmative.

Mr. Hebb submitted the following amendment:

Sec. 24, line five, strike out the words “for members of the General Assembly thereafter,” and insert “thereafter whether for members of the General Assembly or for county officers, whichever shall first occur ;”

Decided in the affirmative.

Mr. Hebb submitted the following amendment :

Insert as section thirty-eight the following :

“Sec. 38. In the event of a vacancy in the office of a Justice of the Peace, the Governor shall appoint a person to serve as Justice of the Peace for the residue of the term ; and in case of a vacancy in the office of Constable, the County Commissioners of the county in which the vacancy occurs, or the Mayor and City Council of Baltimore, as the case may

be, shall appoint a person to serve as Constable for the residue of the term ;”

Decided in the affirmative.

Mr. Galloway (seconded by Messrs. Thomas and Markey,) moved to re-consider the vote by which section thirty-seven was adopted ;

The question being on the adoption of the motion,

Mr. Smith, of Carroll demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows:

AFFIRMATIVE.

| | | |
|--------------------|-----------|--------------------|
| Messrs. | Duvall, | Negley, |
| Annan, | Ecker, | Parran, |
| Audoun, | Galloway, | Ridgely, |
| Baker, | Hatch, | Sands, |
| Barron, | Hoffman, | Schlosser, |
| Billingsley, | Johnson, | Smith, of Carroll, |
| Briscoe, | Keefer, | Smith, of Dor., |
| Brooks, | Kennard, | Swope, |
| Carter, | King, | Thomas, |
| Cunningham, | Larsh, | Todd, |
| Davis, of Charles, | Markey, | Turner, |
| Davis, of Wash., | Mayhugh, | Wickard, |
| Dellinger, | Morgan, | Wooden—38. |

NEGATIVE.

| | | |
|-------------------|-----------|----------------|
| Messrs. | Greene, | Nyman, |
| Goldsborough, Pt. | Hebb, | Parker, |
| Abbott, | Henkle, | Peter, |
| Blackiston, | Hollyday, | Pugh, |
| Bond, | Hopkins, | Purnell, |
| Brown, | Hopper, | Russell, |
| Chambers, | Horsey, | Scott, |
| Clarke, | Lausdale, | Smith, of Wor. |
| Crawford, | Lee, | Sneary, |
| Cushing, | Marbury, | Stirling, |
| Daniel, | McComas, | Stockbridge, |
| Dent, | Miller, | Sykes, |
| Earle, | Mullikin, | Valliant, |
| Farrow, | Murray, | Wilmer—41. |

So the question upon its adoption was decided in the negative.

Mr. Thomas submitted the following amendment :

Sec. —. All causes pending in the several Courts of Baltimore city, at the adoption of this Constitution, shall be prosecuted to final judgment as though the jurisdiction of the several Courts in which they may be pending had not been changed ;

Decided in the affirmative.

On motion of Mr. Stirling,

The report, as amended, was ordered to be printed.

On motion of Mr. Stockbridge,

The report of the Committee on Tenure of Office, Duties and Compensation of Civil Officers, &c.,

Was taken up.

By general consent, Mr. Stockbridge submitted the following amendment :

Add to section 2: In case of vacancy from death, resignation, or any other cause, the Governor shall fill such vacancy until the next general election in the State thereafter, when a Commissioner shall be elected for a full term ensuing.

Mr. Stirling submitted the following amendment to the amendment :

After the word "election" insert "for members of the General Assembly ;"

Decided in the affirmative.

The question recurring upon the adoption of the amendment as amended,

It was decided in the affirmative.

Mr. Stockbridge (by general consent) submitted the following amendment :

Sec. 3, add, In case of a vacancy in the office of State Librarian from death, resignation or any other cause, the Governor shall fill such vacancy until the next meeting of the General Assembly thereafter ;

Decided in the affirmative.

Mr. Hebb (by general consent) submitted the following amendment :

Sec. 4. Strike out all from the word "counties" in line 2, to the word "said" in the 5th line, and insert :

“An election for County Commissioners shall be held on Tuesday next after the first Monday of November, 1865. As nearly one half as may be of said Commissioners shall hold their office for two years, and the other half for four years, and at the first meeting after their election and qualification or as soon thereafter as practicable, they shall determine by lot which of their number shall hold his office for two and four years respectively, and thereafter their shall be elected as aforesaid, at each general election for county officers Commissioners for four years to fill the places of those whose term has expired ;”

Decided in the affirmative.

The report, as amended, was then read the third time and passed by yeas and nays as follows :

AFFIRMATIVE.

| | | |
|-------------------|-----------|--------------------|
| Messrs. | Hoffman, | Russell, |
| Goldsborough, P't | Hopkins, | Sands, |
| Abbott, | Hopper, | Schlusser, |
| Annan, | Keefer, | Scott, |
| Baker, | Kennard, | Smith, of Carroll, |
| Cunningham, | Larsh, | Smith, of Wor., |
| Cushing, | Markey, | Sheary, |
| Daniel, | Mayhugh, | Stirling, |
| Davis, of Wash., | McComas, | Stockbridge, |
| Dellinger, | Mullikin, | Swope, |
| Ecker, | Negley, | Thomas, |
| Farrow, | Parker, | Todd, |
| Galloway, | Purnell, | Valliant, |
| Greene, | Ridgely, | Wooden—41. |
| Hebb, | | |

NEGATIVE.

| | | |
|--------------|-----------|----------------|
| Messrs. | Crawford, | Lee, |
| Billingsley, | Dent, | Marbury, |
| Blackiston, | Duvall, | Miller, |
| Bond, | Hodson, | Parran, |
| Briscoe, | Hollyday, | Peter, |
| Brown, | Horsey, | Smith of Dor., |
| Chambers, | Johnson, | Wilmer—22. |
| Clarke, | Lansdale, | |

On motion of Mr. Stockbridge,

The report of the Committee on Education was taken up.

Mr. Stockbridge moved a call of the Convention ;

The call being sustained,

Mr. Stirling moved that further proceedings under the call be dispensed with ;

Decided in the negative.

The roll was then called and the following members responded :

Messrs. Goldsborough, (President,) Abbott, Annan, Audoun, Baker, Barron, Billingsley, Blackiston, Briscoe, Brooks, Brown, Carter, Chambers, Clarke, Cunningham, Cushing, Daniel, Davis, of Charles, Davis, of Washington, Dellinger, Dent, Duvall, Ecker, Farrow, Galloway, Greene, Hatch, Hebb, Hodson, Hoffman, Hollyday, Hopkins, Hopper, Horsey, Johnson, Keefer, Kennard, Lansdale, Larsh, Lee, Marbury, Markey, Mayhugh, McComas, Mullikin, Negley, Parker, Peter, Pugh, Purnell, Ridgely, Russell, Sands, Schlosser, Scott, Smith, of Carroll, Smith, of Dorchester, Smith, of Worcester, Sneary, Stirling, Stockbridge, Swope, Sykes, Thomas, Todd, Valliant, Wickard, Wilmer, Wooden—68.

On motion of Mr. McComas,

Further proceedings under the call were dispensed with.

The report of the Committee on Education was then read the third time and passed by yeas and nays as follows :

AFFIRMATIVE.

| | | |
|------------------|-----------|--------------------|
| Messrs. | Galloway, | Pugh, |
| Goldsborough Pt. | Greene, | Purnell, |
| Abbott, | Hatch, | Ridgely, |
| Annan, | Hebb, | Russell, |
| Audoun, | Hoffman, | Sands, |
| Baker, | Hopkins, | Schlosser, |
| Barron, | Hopper, | Scott, |
| Bond, | Keefer, | Smith, of Carroll, |
| Briscoe, | Kennard, | Smith, of Wor., |
| Brooks, | King, | Sneary, |
| Carter, | Larsh, | Stirling, |
| Cunningham, | Markey, | Stockbridge, |
| Cushing, | Mayhugh, | Swope, |
| Daniel, | McComas, | Sykes, |
| Davis, of Wash., | Mullikin, | Thomas, |
| Dellinger, | Murray, | Todd, |
| Earle, | Negley, | Valliant, |
| Ecker, | Nyman, | Wickard, |
| Farrow, | Parker, | Wooden—56. |

NEGATIVE.

| | | |
|--------------------|-----------|-----------------|
| Messrs. | Dent, | Lansdale, |
| Billingsley, | Duvall, | Lee, |
| Blackiston, | Hodson, | Marbury, |
| Brown, | Hollyday, | Peter, |
| Chambers, | Horsey, | Smith, of Dor., |
| Clarke, | Johnson, | Wilmer—18. |
| Davis, of Charles, | | |

On motion of Mr. Stockbridge,

The Report of the Committee on the Treasury Department, was taken up, read the third time and passed by yeas and nays as follows :

AFFIRMATIVE.

| | | |
|------------------|-----------|--------------------|
| Messrs. | Farrow, | Pugh, |
| Abbott, | Galloway, | Purnell, |
| Annan, | Greene, | Ridgely, |
| Audoun, | Hatch, | Russell, |
| Baker, | Hebb, | Sands, |
| Barron, | Hoffman, | Schlosser, |
| Billingsley, | Hollyday, | Scott, |
| Bond, | Hopkins, | Smith, of Carroll, |
| Brooks, | Hopper, | Smith, of Wor. |
| Carter, | Johnson, | Sneary, |
| Chambers, | Keefer, | Stirling, |
| Cushing, | Kennard, | Stockbridge, |
| Daniel, | Larsh, | Swope, |
| Davis, of Wash., | Markey, | Sykes, |
| Dellinger, | Mayhugh, | Thomas, |
| Dent, | Mullikin, | Todd, |
| Earle, | Negley, | Valliant, |
| Ecker, | Parker, | Wooden—53. |

NEGATIVE.

| | | |
|--------------------|-----------|----------------|
| Messrs. | Duvall, | Marbury, |
| Blackiston, | Hodson, | Parran, |
| Briscoe, | Horsey, | Peter, |
| Brown, | Lansdale, | Smith, of Dor. |
| Davis, of Charles, | Lee, | Wilmer—14. |

On motion of Mr. Chambers,

The rules were suspended and he submitted the following order:

Ordered, That the Committee on the Judiciary be directed to enquire into the expediency of inserting in the Constitu-

tion a provision that "in all cases in Law or Epuity the parties may by agreement select some one learned in the law to act as Judge in the cause, without expense to the State, and subject to such regulations as the Legislature may provide ;"

Which was adopted.

The Convention proceeded to the consideration of the Report on the Division and Sub-division of Counties.

Mr. Ridgely (the rules being suspended,) submitted the following amendment :

Insert in fifth line after the word county "nor shall the lines of any county be changed without the consent of a majority of the legal voters, residing within the limits of the lines proposed to be changed ;"

The question being on the adoption of the amendment ;

Mr. Stockbridge demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|--------------------|-----------|--------------------|
| Messrs. | Duvall, | Parran, |
| Annan, | Hoffman, | Peter, |
| Baker, | Hollyday, | Ridgely, |
| Billingsley, | Hopkins, | Smith, of Carroll, |
| Blackiston, | Hopper, | Smith, of Dor., |
| Bond, | Horsey, | Sneary, |
| Briscoe, | Johnson, | Sykes, |
| Carter, | King, | Todd, |
| Chambers, | Lansdale, | Turner, |
| Clarke, | Larsh, | Valliant, |
| Crawford, | Mayhugh, | Wilmer, |
| Davis, of Charles, | Negley, | Wooden—37. |
| Dent, | Parker, | |

NEGATIVE.

| | | |
|-------------------|-----------|-----------------|
| Messrs. | Farrow, | Pugh, |
| Goldsborough, P't | Galloway, | Purnell, |
| Abbott, | Hatch, | Russell, |
| Audoun, | Hebb, | Schlosser, |
| Barron, | Hodson, | Scott, |
| Brooks, | Keefer, | Smith, of Wor., |
| Brown, | Kennard, | Stirling, |
| Cunningham, | Lee, | Stockbridge, |
| Cushing, | Markey, | Swope, |
| Daniel, | McComas, | Thomas, |
| Dellinger, | Mullikin, | Wickard—33. |
| Ecker, | | |

So the question upon its adoption was decided in the affirmative.

Mr. Chambers moved to suspend the rules to enable him to submit an amendment :

The question being on the adoption of the motion,

Mr. Chambers demanded the yeas and nays ;

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|--------------|--------------------|-----------------|
| Messrs. | Davis, of Charles, | Lee, |
| Billingsley, | Dent, | Marbury, |
| Blackiston, | Duvall, | Parran, |
| Bond, | Hoffman, | Peter, |
| Briscoe, | Hollyday, | Ridgely, |
| Brown, | Horsey, | Smith, of Dor., |
| Chambers, | Johnson, | Sneary, |
| Clarke, | Lansdale, | Wilmer—25. |
| Crawford, | Larsh, | |

NEGATIVE.

| | | |
|-------------------|-----------|--------------------|
| Messrs. | Galloway, | Pugh, |
| Goldsborough, P't | Greene, | Purnell, |
| Abbott, | Hatch, | Russell, |
| Annan, | Hebb, | Schlosser, |
| Audoun, | Hopkins, | Smith, of Carroll, |
| Baker, | Hopper, | Smith, of Wor., |
| Barron, | Keefer, | Stirling, |
| Brooks, | Kennard, | Stockbridge, |
| Carter, | Markey, | Swope, |
| Cunningham, | Mayhugh, | Sykes, |
| Cushing, | McComas, | Todd, |
| Daniel, | Mullikin, | Valliant, |
| Davis, of Wash., | Negley, | Wickard, |
| Ecker, | Parker, | Wooden—42. |
| Farrow, | | |

So the question upon its adoption was decided in the negative.

Mr. Davis, of Charles, moved to open the report to enable him to move to strike out the 2nd section ;

Decided in the negative.

The report was then read the third time, and passed by yeas and nays as follows :

AFFIRMATIVE.

| | | |
|-------------------|---------|----------|
| Messrs. | Greene, | Purnell, |
| Goldsborough, P't | Hatch, | Ridgely, |

| | | |
|------------------|-----------|--------------------|
| Abbott, | Hebb, | Russell, |
| Annan, | Hoffman, | Schlosser, |
| Audoun, | Hopkins, | Smith, of Carroll, |
| Baker, | Hopper, | Smith of Wor., |
| Barron, | Keefer, | Sneary, |
| Brooks, | Kennard, | Stirling, |
| Carter, | Larsh, | Stockbridge, |
| Cunningham, | Markey, | Swope, |
| Cushing, | Mayhugh, | Sykes, |
| Daniel, | McComas, | Thomas, |
| Davis, of Wash., | Mullikin, | Todd, |
| Dellinger, | Negley, | Valliant, |
| Ecker, | Parker, | Wickard, |
| Farrow, | Pugh, | Wooden—48. |
| Galloway, | | |

NEGATIVE.

| | | |
|--------------|--------------------|-----------------|
| Messrs. | Crawford, | Lansdale, |
| Billingsley, | Davis, of Charles, | Lee, |
| Blackiston, | Dent, | Marbury, |
| Bond, | Duvall, | Parran, |
| Brown, | Hollyday, | Peter, |
| Chambers, | Horsey, | Smith, of Dor., |
| Clarke, | Johnson, | Wilmer—20. |

Messrs. Pugh, Wickard, Blackiston and Negley were excused from attending the session of the Convention until tomorrow, and Mr. Hooper until Friday.

On motion of Mr. Davis of Washington,

The Convention took a recess until half past three o'clock.

AFTERNOON SESSION.

The Convention met at 3½ o'clock, P. M.

All the members present except the following :

Messrs. Belt, Berry, of Baltimore County, Berry of Prince George's, Billingsley, Blackiston, Bond, Briscoe, Clarke, Crawford, Dail, Dennis, Edelen, Gale, Harwood, Henkle, Hodson,

Hopper, Johnson, Jones, of Cecil, Jones, of Somerset, Larsh, Mace, Marbury, Mayhugh, Mitchell, Miller, Murray, Noble, Peter, Pugh, Robinette, Schley, Smith, of Dorchester, Thrus-ton—34.

On motion of Mr. Stockbridge,

The report of the Committee on State's Attorneys was taken up, read the third time and passed by yeas and nays as follows :

AFFIRMATIVE.

| | | |
|-------------------|-----------|-------------------|
| Messrs. | Ecker, | Russell, |
| Goldsborough, P't | Farrow, | Sands, |
| Abbott, | Galloway, | Schlosser, |
| Annan, | Greene, | Scott, |
| Audoun, | Hatch, | Smith of Carroll, |
| Baker, | Hebb, | Smith, of Wor., |
| Barron, | Hopkins, | Sneary, |
| Brooks, | Kennard, | Stirling, |
| Carter, | Markey, | Stockbridge, |
| Chambers, | McComas, | Swope, |
| Cunningham, | Morgan, | Sykes, |
| Cushing, | Mullikin, | Thomas, |
| Daniel, | Negley, | Todd, |
| Davis, of Wash., | Parker, | Valliant, |
| Dellinger, | Purnell, | Wickard, |
| Dent, | Ridgely, | Wooden—48. |
| Duvall, | | |

NEGATIVE.

| | | |
|---------|-----------|--------|
| Messrs. | Hollyday, | Lee—4. |
| Brown, | Horsey, | |

On motion of Mr. Stockbridge,

The report of the Committee on the Militia and Military affairs was taken up, read the third time, and passed by yeas and nays as follows :

AFFIRMATIVE.

| | | |
|-------------------|------------|-----------------|
| Messrs. | Dellinger, | Ridgely, |
| Goldsborough, Pt. | Ecker, | Russell, |
| Abbott, | Farrow, | Sands, |
| Annan, | Galloway, | Schlosser, |
| Audoun, | Greene, | Scott, |
| Baker, | Hatch, | Smith, of Wor., |
| Barron, | Hebb, | Sneary, |
| Brooks, | Hollyday, | Stirling, |

| | | |
|-----------------|-----------|--------------|
| Brown, | Kennard, | Stockbridge, |
| Carter, | Markey, | Swope, |
| Chambers, | McComas, | Sykes, |
| Cunningham, | Mullikin, | Thomas, |
| Cushing, | Negley, | Todd, |
| Daniel, | Parker, | Valliant, |
| Davis, of Wash. | Purnell, | Wooden—44. |

NEGATIVE.

| | | |
|---------|----------|------------|
| Messrs. | Horsey, | Morgan, |
| Dent, | Lee, | Turner, |
| Duvall, | Marbury, | Wickard—8. |

Mr. Daniel moved that the Convention proceed to the consideration of the report of the Committee on Schedule.

The question being on the adoption of the motion,

Mr. Chambers demanded the yeas and nays ;

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|-----------|----------------|
| Messrs. | Farrow, | Sands, |
| Goldsborough, P't | Galloway, | Schlosser, |
| Abbott, | Greene, | Scott, |
| Annan, | Hatch, | Smith, of Wor. |
| Audoun, | Hebb, | Sneary, |
| Baker, | Kennard, | Stirling, |
| Barron, | Markey, | Stockbridge, |
| Brooks, | McComas, | Swope, |
| Carter, | Mullikin, | Sykes, |
| Cunningham, | Negley, | Thomas, |
| Cushing, | Parker, | Todd, |
| Daniel, | Purnell, | Valliant, |
| Davis, of Wash., | Ridgely, | Wickard, |
| Dellinger, | Russell, | Wooden—42. |
| Ecker, | | |

NEGATIVE.

| | | |
|-----------|-----------|------------|
| Messrs. | Hollyday, | Marbury, |
| Brown, | Horsey, | Miller, |
| Chambers, | Lansdale, | Morgan, |
| Dent, | Lee, | Turner—12. |
| Duvall, | | |

So the question upon its adoption was decided in the affirmative.

On motion of Mr. Ridgely,

The rules were suspended and he submitted the following order :

Ordered, That four copies of the Constitution when finally adopted by the Convention, be copied on parchment or detached sheets of bill paper, that the same be subscribed by the President and Members of the Convention, attested by the Secretary, and that one copy thereof be deposited with the Executive, one copy with the Clerk of the Court of Appeals, one copy with the Comptroller, and one copy with the Librarian.

Which was adopted.

The Convention proceeded to the consideration of the report of the Committee on Schedule ;

Mr. Stockbridge submitted the following amendment :

Sec. 1, line 1, strike out "officer" and insert "person holding any office created by or existing under the Constitution or Laws ;"

Decided in the affirmative.

Mr. Stockbridge submitted the following amendment :

Sec. 1, line 9, strike out the word "Treasurer" and insert the word "Comptroller;"

Decided in the affirmative.

Mr. Thomas submitted the following amendment :

Sec. 1, strike out all after the word "yearly," in the 9th line to the word "and" in the 10th line, and insert the words "to the County Commissioners of the several counties, and to the Register of the Mayor and City Council of Baltimore ;

Decided in the negative.

Mr. Stirling submitted the following amendment :

After the word "direct" in line 5, insert :

"But such portion of such excess as has been paid by any county or the city of Baltimore shall be paid over by the Treasurer of the State to such county or city respectively;"

Decided in the negative.

Mr. Clarke submitted the following amendment :

Sec. 1. Strike out the words "Treasurer of the State" in line 13, and insert "the County Commissioners of the several counties and the Register of the city of Baltimore;"

The question being on the adoption of the amendment :

Mr. Stirling demanded the yeas and nays;

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------|----------|--------------|
| Messrs. | Cushing, | Markey, |
| Audoun, | Duvall, | Stirling, |
| Brooks, | Hatch, | Stockbridge, |
| Brown, | Kennard, | Sykes, |
| Clarke, | Marbury, | Thomas—15. |
| Cunningham, | | |

NEGATIVE.

| | | |
|-------------------|-----------|-----------------|
| Messrs. | Galloway, | Parker, |
| Goldsborough, P't | Greene, | Purnell, |
| Abbott, | Hebb, | Ridgely, |
| Annan, | Hollyday, | Russell, |
| Baker, | Horsey, | Scott, |
| Carter, | King, | Smith, of Wor., |
| Chambers, | Lansdale, | Sneary, |
| Daniel, | Lee, | Swope, |
| Davis, of Wash., | McComas, | Todd, |
| Dellinger, | Miller, | Valliant, |
| Dent, | Mullikin, | Wickard, |
| Ecker, | Negley, | Wooden—36. |
| Farrow, | | |

So the question upon its adoption was decided in the negative.

Mr. Miller submitted the following amendment:

Strike out section two ;

Decided in the negative.

Mr. Miller submitted the following amendment :

Strike out section two and insert ;

Sec. 2. The Common Law now in force shall remain in force as heretofore until altered by the General Assembly, and the Statute Laws now in force and not repugnant to this Constitution shall remain in force until they expire or are altered by the General Assembly ;”

Decided in the negative.

Mr. Duvall submitted the following amendment :

Add to end of section the words "provided such vested powers do not interfere or conflict with those rights guaranteed by the Constitution of the United States ;"

Decided in the negative.

Mr. Ridgely submitted the following amendment:

Sec. 6, line one strike out the word "may," and insert the word "shall ;"

Decided in the affirmative.

Mr. Chambers submitted the following amendment:

Strike out section six ;

Pending the consideration of which,

On motion of Mr. Negley,

The Convention took a recess until 8 o'clock.

EVENING SESSION.

The Convention met at 8 o'clock, P. M.

All the members present except the following :

Messrs. Berry, of Baltimore County, Berry, of Prince George's, Billingsley, Blackiston, Bond, Crawford, Dail, Davis, of Charles, Dennis, Edelen, Gale, Harwood, Hodson, Hoffman, Hopkins, Hopper, Johnson, Jones, of Somerset, Keefer, Larsh, Mace, Markey, Mayhugh, Mitchell, Noble, Peter, Pugh, Robinette, Smith, of Dorchester, Swope, Thruston, Wilmer—32.

The Convention resumed the consideration of the Report of the Committee on Schedule ;

The question being on the adoption of the amendment submitted by Mr. Chambers, to strike out the 6th Section of the Report,

It was decided in the negative.

Mr. Duvall submitted the following amendment :

Sec. 8. Amend by striking out "not inconsistent with this Constitution," in the 2nd line,

Decided in the negative.

Mr. Stockbridge submitted the following amendment :

Insert as an additional section the following :

Sec. 10. It shall be the duty of the Governor immediately after the adoption of this Constitution, to appoint two "Commissioners of Revision," whose duty it shall be to prepare and present to the General Assembly at its first session thereafter, drafts of all bills which the General Assembly are required by this Constitution to pass, or which may be necessary to carry into effect its provisions.

The Commissioners of Revision shall also proceed with all reasonable dispatch, to revise the Code of the State, embodying in it all existing laws not now incorporated therein, omitting all superfluous words and enactments, and all such as have ceased to affect existing rights, condensing the whole into as concise a form as is consistent with a full and clear expression of the law, and suggesting any errors or omissions which may be found to exist therein, and the best mode of rectifying the same.

They shall report the Code so revised, to the General Assembly for its approval, and while the bills so prepared, and the Code so revised by them, shall be under consideration, shall be entitled to seats upon the floor of the Senate or House of Delegates, and to take part in the discussions thereof, but without the right of voting thereon.

On motion of Mr. Schley,

The subject was divided,

The question being on the first branch of the amendment, to wit :

Sec. 10. It shall be the duty of the Governor immediately after the adoption of this Constitution, to appoint two "Commissioners of Revision," whose duty it shall be to prepare and present to the General Assembly at its first session thereafter, drafts of all bills which the General Assembly are required by this Constitution to pass, or which may be necessary to carry into effect its provisions.

Mr. Stockbridge demanded the yeas and nays;

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|------------|------------------|--------------|
| Messrs. | Greene, | Schley, |
| Abbott, | Hatch, | Scott, |
| Annan, | Hebb, | Stockbridge, |
| Audoun, | Jones, of Cecil, | Sykes, |
| Brooks, | McComas, | Thomas, |
| Daniel, | Ridgely, | Todd, |
| Dellinger, | Russell, | Valliant—22. |
| Farrow, | Sands, | |

NEGATIVE.

| | | |
|-------------------|-----------|--------------------|
| Messrs. | Dent, | Mullikin, |
| Goldsborough, P't | Duvall, | Negley, |
| Baker, | Ecker, | Parker, |
| Barron, | Galloway, | Purnell, |
| Belt, | Henkle, | Schlosser, |
| Briscoe, | Hollyday, | Smith, of Carroll, |
| Brown, | Horsey, | Smith, of Wor., |
| Carter, | Kennard, | Sneary, |
| Chambers, | King, | Stirling, |
| Clarke, | Lansdale, | Swope, |
| Crawford, | Lee, | Turner, |
| Cunningham, | Marbury, | Wickard, |
| Cushing, | Miller, | Wooden—40. |
| Davis, of Wash., | Morgan, | |

So the question upon its adoption was decided in the negative.

The question recurring upon the second branch of the amendment, to wit :

The Commissioners of Revision shall also proceed with all reasonable dispatch, to revise the Code of the State, embodying in it all existing laws not now incorporated therein, omitting all superfluous words and enactments, and all such as have ceased to affect existing rights, condensing the whole into as concise a form as is consistent with a full and clear expression of the law, and suggesting any errors or omissions which may be found to exist therein, and the best mode of rectifying the same.

They shall report the Code so revised, to the General Assembly for its approval, and while the bills so prepared, and the Code so revised by them, shall be under consideration, shall be entitled to seats upon the floor of the Senate or House of Delegates, and to take part in the discussions thereof, but without the right of voting thereon.

It was withdrawn.

Mr. Briscoe submitted the following amendment :

Add to the 1st Section :

And at said election a vote upon the adoption or rejection of the 40th section of the article on the Legislature Department be submitted and taken separately, and apart from all other sections therein, and if upon the casting up of the votes thereon it shall appear that a majority of the voters of this State shall be opposed thereto that the said article shall be inoperative and of no effect, otherwise to be and remain in full force and effect in law;

Mr. Abbott called the previous question;

The question being,

“Shall the main question be now put?”

Mr. Clarke demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|------------------|-----------------|
| Messrs. | Ecker, | Sands, |
| Goldsborough, P't | Farrow, | Schley, |
| Abbott, | Galloway, | Schlosser, |
| Annan, | Greene, | Scott, |
| Audoun, | Hatch, | Smith, of Wor., |
| Baker, | Hebb, | Sneary, |
| Barron, | Jones, of Cecil, | Stirling, |
| Brooks, | Kennard, | Swope, |
| Carter, | McComas, | Sykes, |
| Cunningham, | Mullikin, | Todd, |
| Cushing, | Nyman, | Valliant, |
| Daniel, | Parker, | Wickard, |
| Davis, of Wash., | Purnell, | Wooden—40. |
| Dellinger, | Russell, | |

NEGATIVE.

| | | |
|-----------|-----------|--------------|
| Messrs. | Duvall, | Negley, |
| Belt, | Horsey, | Parran, |
| Briscoe, | Lansdale, | Ridgely, |
| Clarke, | Marbury, | Stockbridge, |
| Crawford, | Miller, | Thomas—16. |
| Dent, | Morgan, | |

So the call for the previous question was sustained.

The question then being on the adoption of the amendment submitted by Mr. Briscoe ;

Mr. Briscoe demanded the yeas and nays ;

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-----------|-----------|------------|
| Messrs. | Dent, | Marbury, |
| Belt, | Duvall, | Miller, |
| Briscoe, | Horsey, | Morgan, |
| Clarke, | Lansdale, | Parran—12. |
| Crawford, | | |

NEGATIVE.

| | | |
|-------------------|------------------|--------------------|
| Messrs. | Galloway, | Sands, |
| Goldsborough, P't | Greene, | Schley, |
| Abbott, | Hatch, | Schlosser, |
| Annan, | Hebb, | Scott, |
| Audoun, | Jones, of Cecil, | Smith, of Carroll, |
| Baker, | Kennard, | Smith, of Wor., |
| Barron, | King, | Sneary, |
| Brooks, | McComas, | Stirling, |
| Carter, | Mullikin, | Stockbridge, |
| Cunningham, | Murray, | Swope, |
| Cushing, | Negley, | Sykes, |
| Daniel, | Nyman, | Thomas, |
| Davis, of Wash., | Parker, | Todd, |
| Dellinger, | Purnell, | Valliant, |
| Earle, | Ridgely, | Wickard, |
| Ecker, | Russell, | Wooden—48. |
| Farrow, | | |

So the question upon its adoption was decided in the negative.

The question recurring upon the adoption of section 1, of the second part of the report:

Mr. Duvall demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|-----------|------------|
| Messrs. | Galloway, | Sands, |
| Goldsborough, P't | Greene, | Schley, |
| Abbott, | Hatch, | Schlosser, |

| | | |
|------------------|------------------|--------------------|
| Annan, | Hebb, | Scott, |
| Audoun, | Jones, of Cecil, | Smith, of Carroll, |
| Baker, | Kennard, | Smith, of Wor., |
| Barron, | King | Sneary, |
| Brooks, | McComas, | Stirling, |
| Carter, | Mullikin, | Stockbridge, |
| Cunningham, | Murray, | Swope, |
| Cushing, | Negley, | Sykes, |
| Daniel, | Nyman, | Thomas, |
| Davis, of Wash., | Parker, | Todd, |
| Dellinger, | Purnell, | Valliant, |
| Ecker, | Ridgely, | Wickard, |
| Farrow, | Russell, | Wooden—47. |

NEGATIVE.

| | | |
|-----------|-----------|------------|
| Messrs. | Dent, | Marbury, |
| Belt, | Duvall, | Miller, |
| Briscoe, | Horsey, | Morgan, |
| Clarke, | Lansdale, | Parran—12. |
| Crawford, | | |

So the question upon its adoption was decided in the affirmative.

On motion of Mr. Purnell,
The Convention adjourned.

THURSDAY, September 1st, 1864.

The Convention met at 9½ o'clock, A. M.

Prayer by the Rev. Mr. McNemar.

All the members present except the following :

Messrs. Audoun, Berry, of Baltimore county, Berry, of Prince George's, Billingsley, Bond, Davis, of Charles, Dennis, Edelen, Farrow, Gale, Harwood, Hoffman, Hopkins, Hopper, Jones, of Somerset, Keefer, Larsh, Mace, Mayhugh, Mitchell, Negley, Noble, Parker, Peter, Robinette, Sands, Schley, Sykes, Thruston, Turner.—30.

The proceedings of yesterday were read and approved.

Mr. McComas submitted the following order :

Ordered, That the Folders and Post Masters, and whoever shall have the authority to attend to their duties, after the adjournment of the Convention, be instructed not to fold or frank any other printed matter than such as has been published by authority of the Convention ;

Which was adopted.

On motion of Mr. Hebb,

The Convention proceeded to the consideration of the report of the Committee on Revision and Engrossment in reference to amendments to the Declaration of Rights, (page 434 Journal ;))

On motion of Mr. Hebb,

The said report was concurred in.

The Convention then proceeded to the consideration of the report of the Committee on Schedule ;

Mr. Henkle submitted the following amendment :

Add at the end of 2nd Section,

And in case any organized military or armed force of the United States, shall appear at the places where the polls shall be held, and shall interfere with said election, unless such military or armed force shall be called out by the Judges of election or other civil authority charged with the preservation of the peace, the said Judges of election shall under oath certify to the Governor such unwarranted military interference with said election in such election district or precinct ; and the Governor shall immediately thereupon, order a new election after ten days notice, to be given by the sheriff as aforesaid, in such election district or precinct ; and such new election shall be held and conducted in the manner and form hereinbefore provided, and the Governor shall order a new election from time to time, as often as such illegal military or armed interference with the election shall be certified to him as aforesaid.

The question being on the adoption of the amendment ;

Mr. Henkle demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appears as follows :

AFFIRMATIVE.

| | | |
|--------------------|-----------|-----------------|
| Messrs. | Dent, | Marbury, |
| Belt, | Duvall, | Mitchell, |
| Blackiston, | Edelen, | Miller, |
| Briscoe, | Henkle, | Morgan, |
| Brown, | Hodson, | Parran, |
| Chambers, | Hollyday, | Peter, |
| Clarke, | Horsey, | Smith, of Dor., |
| Crawford, | Johnson, | Turner, |
| Dail, | Lansdale, | Wilmer—28. |
| Davis, of Charles, | Lee, | |

NEGATIVE.

| | | |
|-------------------|------------------|--------------|
| Messrs. | Galloway, | Ridgely, |
| Goldsborough, P't | Greene, | Russell, |
| Abbott, | Hatch, | Schlosser, |
| Annan, | Hebb, | Scott, |
| Audoun, | Jones, of Cecil, | Sneary, |
| Baker, | Kennard, | Stirling, |
| Barron, | King, | Stockbridge, |
| Brooks, | Markey, | Swope, |
| Carter, | McComas, | Thomas, |
| Cunningham, | Mullikin, | Todd |
| Cushing, | Parker, | Valliant, |
| Daniel, | Pugh, | Wickard, |
| Davis, of Wash., | Purnell, | Wooden—39. |
| Dellinger, | | |

So the question upon its adoption was decided in the negative.

Mr. Dent submitted the following amendment,

Strike out all after the word "conducted," in the 5th line to the end of the tenth line ;

Pending the consideration of which,

On motion of Mr. Dellinger,

The Convention took a recess until half-past three o'clock.

AFTERNOON SESSION.

The Convention met at 3½ o'clock, P. M.

All the members present except the following:

Messrs. Abbott, Berry, of Baltimore county, Berry, of Prince George's, Bond, Briscoe, Brown, Carter, Daniel, Dennis, Duvall, Farrow, Gale, Harwood, Hodson, Hoffman, Hopkins, Hopper, Jones, of Somerset, Keefer, Larsh, Mace, Mayhugh, Miller, Negley, Noble, Peter, Ridgely, Robinette, Sands, Schley, Schlosser, Sykes, Thruston.—33.

The Convention resumed the consideration of the report of the Committee on the Schedule;

The question being on the adoption of the amendment submitted by Mr. Dent, to wit:

Strike out 'all between the word "conducted" in the 5th line to the end of the 10th line;

Mr. Barron called the previous question,

The question being,

"Shall the main question be now put?"

Mr. Marbury demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows:

AFFIRMATIVE.

| | | |
|-------------------|------------------|-----------------|
| Messrs. | Ecker, | Pugh, |
| Goldsborough, P't | Galloway, | Purnell, |
| Abbott, | Greene, | Russell, |
| Annan, | Hebb, | Schlosser, |
| Audoun, | Jones, of Cecil, | Scott, |
| Baker, | Kennard, | Smith, of Wor., |
| Barron, | King, | Sneary, |
| Cunningham, | Markey, | Stirling, |
| Cushing, | McComas, | Stockbridge, |
| Daniel, | Mullikin, | Swope, |
| Davis, of Wash., | Murray, | Todd, |
| Dellinger, | Parker, | Wooden—35. |

NEGATIVE.

| | | |
|--------------|---------|-----------|
| Messrs. | Dent, | Marbury, |
| Belt, | Duvall, | Mitchell, |
| Billingsley, | Edelen, | Miller, |

| | | |
|--------------------|-----------|-----------------|
| Blackiston, | Hollyday, | Morgan, |
| Brown, | Horsey, | Parran, |
| Chambers, | Johnson, | Peter, |
| Crawford, | Lansdale, | Smith, of Dor., |
| Davis, of Charles, | Lee, | Turner—23. |

So the call for the previous question was sustained.

The question then being on the adoption of the amendment submitted by Mr. Dent ;

Mr. Dent demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|--------------------|-----------|-----------------|
| Messrs. | Dent, | Marbury, |
| Belt, | Duvall, | Mitchell, |
| Billingsley, | Edelen, | Miller, |
| Blackiston, | Henkle, | Morgan, |
| Brown, | Hollyday, | Parran, |
| Chambers, | Horsey, | Peter, |
| Crawford, | Johnson, | Smith, of Dor., |
| Dail, | Lansdale, | Turner—25. |
| Davis, of Charles, | Lee, | |

NEGATIVE.

| | | |
|-------------------|------------------|-----------------|
| Messrs. | Ecker, | Pugh, |
| Goldsborough, P't | Galloway, | Purnell, |
| Abbott, | Greene, | Russell, |
| Annan, | Hebb, | Schlosser, |
| Audoun, | Jones, of Cecil, | Scott, |
| Baker, | Kennard, | Smith, of Wor., |
| Barron, | King, | Sneary, |
| Cunningham, | Markey, | Stirling, |
| Cushing, | McComas, | Stockbridge, |
| Daniel, | Mullikin, | Swope, |
| Davis, of Wash., | Murray, | Todd, |
| Dellinger, | Parker, | Wooden—35. |

So the question upon its adoption was decided in the negative.

The question recurring upon the adoption of section two of the second part of the report ;

Mr. Duvall demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|------------------|-----------------|
| Messrs. | Ecker, | Pugh, |
| Goldsborough, P't | Galloway, | Purnell, |
| Abbott, | Greene, | Russell, |
| Annan, | Hebb, | Schlosser, |
| Audoun, | Jones, of Cecil, | Scott, |
| Baker, | Kennard, | Smith, of Wor., |
| Barron, | King, | Sneary, |
| Cunningham, | Markey, | Stirling, |
| Cushing, | McComas, | Stockbridge, |
| Daniel, | Mullikin, | Swope, |
| Davis, of Wash., | Murray, | Todd, |
| Dellinger, | Parker, | Wooden—35. |

NEGATIVE.

| | | |
|--------------------|-----------|-----------------|
| Messrs. | Dent, | Marbury, |
| Belt, | Duvall, | Mitchell, |
| Billingsley, | Edelen, | Miller, |
| Blackiston, | Henkle, | Morgan, |
| Brown, | Hollyday, | Parran, |
| Chambers, | Horsey, | Peter, |
| Crawford, | Johnson, | Smith, of Dor., |
| Dail, | Lansdale, | Turner—25. |
| Davis, of Charles, | Lee, | |

So the question upon its adoption was decided in the affirmative.

Mr. Edelen gave notice that at the proper time he would submit the following amendment :

Insert as an additional section, the following:

Sec. —. The obligation of the Judges of Election to administer the oath required in section two, shall only exist in those cases whenever the vote of the person offering to vote may be challenged.

Mr. Belt submitted the following amendment :

Strike out section one of the third part of the Report ;

Decided in the negative.

Mr. Davis, of Charles, submitted the following amendment :

Sec. 2, of part three, line one, strike out the word "may," and insert the word "shall ;"

The question being on the adoption of the amendment ;
 Mr. Davis, of Charles, demanded the yeas and nays ;
 The demand being sustained,
 The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|--------------------|-----------|-----------------|
| Messrs. | Duvall, | Marbury, |
| Belt, | Edelen, | Mitchell, |
| Billingsley, | Henkle, | Miller, |
| Blackiston, | Hollyday, | Morgan, |
| Brown, | Horsey, | Parker, |
| Chambers, | Johnson, | Parran, |
| Crawford, | Lansdale, | Smith, of Wor., |
| Davis, of Charles, | Lee, | Turner—24. |
| Dent, | | |

NEGATIVE.

| | | |
|-------------------|------------------|-----------------|
| Messrs. | Dellinger, | Pugh, |
| Goldsborough, P't | Ecker, | Purnell, |
| Abbott, | Galloway, | Russell, |
| Annan, | Greene, | Schlosser, |
| Audoun, | Hebb, | Scott, |
| Baker, | Jones, of Cecil, | Smith, of Dor., |
| Barron, | Kennard, | Sneary, |
| Carter, | Markey, | Stirling, |
| Cunningham, | McComas, | Stockbridge, |
| Cushing, | Mullikin, | Swope, |
| Daniel, | Nyman, | Todd, |
| Davis, of Wash., | Peter, | Wooden—35. |

So the question upon its adoption was decided in the negative.

On motion of Mr. Davis, of Washington,
 The Convention took a recess until 8 o'clock.

EVENING SESSION.

The Convention met at 8 o'clock, P. M.

All the members present except the following :

Messrs. Belt, Berry, of Baltimore county, Berry, of Prince George's, Bond, Briscoe, Brooks, Brown, Chambers, Clarke, Dennis, Farrow, Gale, Harwood, Hatch, Henkle, Hoffman, Hopkins, Jones, of Somerset, Larsh, Mace, Mayhugh, Miller, Negley, Noble, Peter, Ridgely, Robinette, Sands, Thomas, Thruston, Turner, Valliant, Wickard, Wilmer—34.

The Convention resumed the consideration of the report of the Committee on the Schedule :

Mr. Belt submitted the following amendment :

Add at the end of section two the following :

“Provided, however, That no votes of soldiers cast at any one polling place or camp shall be valid or taken into account in any case where the total number returned shall exceed the numbers of record in the office of the Adjutant General ;”

Mr. Marbury moved to postpone informally the consideration of the amendment ;

Decided in the negative.

The question recurring upon the adoption of the amendment ;

It was decided in the negative.

Mr. Duvall submitted the following amendment :

Amend by striking out the word “may,” in the fifth line and insert “shall,” and after the word “recount,” insert “or have recounted ;”

Decided in the negative.

Mr. Duvall submitted the following amendment :

Amend by inserting after the word “vote,” in the fourth line of the fourth section of Schedule, “and if any officer or person shall give or offer to give directly or indirectly, any bribe, present, or reward, or any promise, or any security for the payment, or delivery of money or any other thing to induce any voter in the military service of the United States to refrain from casting his vote, or forcibly to prevent him in

any way from voting, or to procure a vote for any candidate or person proposed or voted for as elector of President and Vice President of the United States, or Representative in Congress, or for any office of profit or trust created by the Constitution or Laws of this State, or by the ordinances or authority of the Mayor and City Council of Baltimore, the officer or person giving or offering to give, and the voter receiving the same, and the officer or person who gives or causes to be given an illegal vote knowing it to be such at any election to be hereafter held in this State, or under the provisions of sections 1, 2, 3, 4 and 5 of Schedule, relating to the 'vote,' of those persons in the military service of the United States, &c. ;''

The question being on the adoption of the amendment,

Mr. Marbury demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|--------------------|-----------|-----------------|
| Messrs. | Duvall, | Lee, |
| Billingsley, | Edelen, | Marbury, |
| Blackiston, | Hodson, | Mitchell, |
| Crawford, | Hollyday, | Morgan, |
| Dail, | Horsey, | Parran, |
| Davis, of Charles, | Johnson, | Smith, of Dor., |
| Dent, | Lansdale, | —19. |

NEGATIVE.

| | | |
|-------------------|------------------|--------------------|
| Messrs. | Galloway, | Purnell, |
| Goldsborough, P't | Greene, | Russell, |
| Abbott, | Hebb, | Schley, |
| Annan, | Hopper, | Schlosser, |
| Audoun, | Jones, of Cecil, | Scott, |
| Baker, | Keefer, | Smith, of Carroll, |
| Barron, | Kennard, | Smith, of Wor., |
| Carter, | King, | Sneary, |
| Cunningham, | Markey, | Stirling, |
| Cushing, | McComas, | Stockbridge, |
| Daniel, | Mullikin, | Swope, |
| Davis, of Wash. | Nyman, | Sykes, |
| Dellinger, | Parker, | Todd, |
| Ecker, | Pugh, | Wooden—41. |

So the question upon its adoption was decided in the negative.

Mr. Stockbridge submitted the following amendment:

Sec. 5. Strike out "otherwise," in line four, and add after "provide," "some other mode of taking the same;"

Decided in the affirmative.

Mr. Stirling submitted the following amendment:

Add to the end of section three, of part three, the following:

"And the Governor shall exclude from count the votes of any county or city, the Return Judges of which shall fail to certify in the returns as provided by this Schedule, that all persons who have voted have taken the oath prescribed to be taken unless the Governor shall be satisfied that such oath was actually administered, and that the failure to make the certificate has been from inadvertence or mistake;"

Decided in the affirmative.

Mr. Edelen submitted the following amendment:

Insert as an additional section the following:

"Sec. —. The obligation of the Judges of Election to administer the oath required in section 2, shall only exist in those cases where the vote of the person offering to vote may be challenged;"

Mr. Mullikin called the previous question,

The question being,

"Shall the main question be now put?"

It was decided in the affirmative.

The question recurring upon the adoption of the amendment,

Mr. Edelen demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows:

AFFIRMATIVE.

| | | |
|--------------------|-----------|------------|
| Messrs. | Duvall, | Lansdale, |
| Billingsley, | Edelen, | Lee, |
| Dail, | Hollyday, | Marbury, |
| Davis, of Charles, | Horsey, | Mitchell, |
| Dent, | Johnson, | Morgan—14. |

NEGATIVE.

| | | |
|-------------------|------------------|--------------------|
| Messrs. | Greene, | Russell, |
| Goldsborough, P't | Hebb, | Schley, |
| Abbott, | Hopper, | Schlosser, |
| Annan, | Jones, of Cecil, | Scott, |
| Audoun, | Keefer, | Smith, of Carroll, |
| Baker, | Kennard, | Smith, of Wor., |
| Barron, | King, | Sneary, |
| Carter, | Markey, | Stirling, |
| Cunningham, | McComas, | Stockbridge, |
| Cushing, | Mullikin, | Swope, |
| Daniel, | Murray, | Sykes, |
| Davis, of Wash., | Parker, | Todd, |
| Ecker, | Pugh, | Wooden—40. |
| Galloway, | Purnell, | |

So the question upon its adoption was decided in the negative.

Mr. Ecker submitted the following amendment:

Insert as an additional section the following:

Sec. —. Any of the qualified voters of this State, who may be absent from the city or county of his residence on the day for taking the vote on the adoption or rejection of this Constitution by reason of his being in the military service of the United States, but shall be at some hospital or military post or on duty within this State, and not with his company, may vote at the nearest polls to such place on satisfying the Judges that he is a legal and qualified voter of this State;"

Decided in the affirmative.

On motion of Mr. Kennard,

The Convention returned to the consideration of section one of the second part of the report.

Mr. Kennard submitted the following amendment:

Sec. 1. After "P. M.," at the end of the twelfth, and beginning of the thirteenth line, insert:

"In the several counties of the State, and between the hours of eight o'clock, A. M., and five o'clock, P. M., in the city of Baltimore;"

Decided in the affirmative.

The report was then ordered to be engrossed for a third reading.

On motion of Mr. Galloway,

The Convention adjourned.

FRIDAY, September 2d, 1864.

The Convention met at 9½ o'clock, A. M.

Prayer by Rev. Mr. Patterson.

All the members present except the following :

Messrs. Berry, of Baltimore county, Berry, of Prince George's, Blackiston, Briscoe, Clarke, Dennis, Duvall, Edelen, Gale, Harwood, Hopkins, Jones, of Somerset, Mace, Mayhugh, Noble, Robinette, Sands, Smith, of Carroll, Smith, of Worcester, Thruston—20.

The proceedings of yesterday were read and approved.

On motion of Mr. Todd,

The order submitted by Mr. Hebb on Wednesday, directing the Secretary and Folder to forward to the members, the Journal of Debates, after the adjournment of the Convention, was taken up.

The question being on the amendment submitted by Mr. Davis, of Washington.

It was rejected.

Mr. Greene submitted the following amendment :

Ordered, That the Secretary be directed to provide for the folding, and addressing and mailing of that portion of the Journal of the Debates, of this Convention, which shall not have been delivered to the members at its adjournment sine die; and, as in full compensation for such service, the President is hereby requested to issue his certificates to the said Secretary, at the rate of six dollars for each thousand copies of said Journal thus folded, addressed and mailed;

Mr. Davis, of Charles, submitted the following amendment :

Strike out the word "six," before the word "dollars," and insert the word "four ;"

Decided in the affirmative.

Mr. Negley moved to strike out the word "Secretary," and insert the word "Folder ;"

Decided in the negative.

The question recurring upon the adoption of the amendment of Mr. Green, as amended ;

Mr. Todd demanded the yeas and nays;
 The demand being sustained,
 The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|--------------------|------------------|-----------------|
| Messrs. | Earle, | Mitchell, |
| Goldsborough, Pt. | Ecker, | Miller, |
| Audoun, | Farrow, | Morgan, |
| Baker, | Greene, | Negley, |
| Barron, | Hatch, | Parker, |
| Belt, | Hebb, | Pugh, |
| Billingsley, | Hodson, | Ridgely, |
| Bond, | Johnson, | Russell, |
| Brooks, | Jones, of Cecil, | Schley, |
| Chambers, | Keefer, | Schlosser, |
| Cunningham, | Kennard, | Scott, |
| Cushing, | King, | Smith, of Dor., |
| Dail, | Lansdale, | Sneary, |
| Daniel, | Larsh, | Stirling, |
| Davis, of Charles, | Marbury, | Stockbridge, |
| Dent, | Markey, | Sykes, |
| Duvall, | McComas, | Thomas—50. |

NEGATIVE.

| | | |
|------------------|-----------|------------|
| Messrs. | Henkle, | Murray, |
| Abbott, | Hoffman, | Nyman, |
| Annan, | Hollyday, | Peter, |
| Brown, | Hopper, | Purnell, |
| Carter, | Horseý, | Todd, |
| Davis, of Wash., | Lee, | Turner, |
| Dellinger, | Mullikin, | Wilmer—21. |
| Galloway, | | |

So the question upon its adoption was decided in the affirmative.

Mr. Miller moved to re-consider the vote by which the amendment submitted by Mr. Davis, of Washington, was adopted ;

Decided in the negative.

Mr. Ridgely submitted the following order :

Ordered that the sum of one hundred dollars be paid to Collins Tatman, as extra compensation as one of the folders of the Convention ;

The question being on the adoption of the order :

Mr. Davis, of Washington, demanded the yeas and nays,
 The demand being sustained,
 The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|------------------|-----------|-----------------|
| Messrs. | Hodson, | Peter, |
| Goldsbrough, P't | Hollyday, | Pugh, |
| Abbott, | Hopper, | Purnell, |
| Barron, | Johnson, | Ridgely, |
| Billingsley, | King, | Schley, |
| Brooks, | Lansdale, | Scott, |
| Carter, | Larsh, | Smith, of Dor., |
| Chambers, | Marbury, | Sneary, |
| Cushing, | Markey, | Swope, |
| Dellinger, | McComas, | Sykes, |
| Dent, | Morgan, | Thomas, |
| Earle, | Mullikin, | Todd, |
| Gale, | Murray, | Turner, |
| Galloway, | Negley, | Wooden—42. |
| Greene, | Nyman, | |

NEGATIVE.

| | | |
|--------------------|------------------|--------------|
| Messrs. | Davis, of Wash., | Lee, |
| Annan, | Duvall, | Mitchell, |
| Baker, | Hatch, | Miller, |
| Bond, | Hebb, | Parker, |
| Brown, | Henkle, | Russell, |
| Crawford, | Hoffman, | Schlosser, |
| Cunningham, | Horsey, | Stirling, |
| Dail, | Jones, of Cecil, | Stockbridge, |
| Daniel, | Keefer, | Wilmer—28. |
| Davis, of Charles, | Kennard, | |

So the question upon its adoption was decided in the affirmative.

Mr. Greene submitted the following order:

Ordered, That the State Librarian, be and he is hereby directed to purchase of James Wingate 250 copies of the Constitution passed by this Convention, when adopted by the voters of this State, said Constitution shall contain an elaborate Index, prepared with references to articles and sections, and also to the page, said Constitution shall be printed in the best style, (with side notes,) on fair white paper with large fair type and well bound, and shall contain the names of the members of this Convention, said Constitution shall contain the certificate of the Clerk of the Court of Appeals, that it is a true

copy of the Constitution passed by this Convention ; and the Indexing and publication of said Constitution shall be approved by the President of this Convention ;

And the State Librarian shall distribute said copies of the Constitution, as follows :

One copy to each member of Convention, to the Governor, Lieutenant Governor, Comptroller, Treasurer, Attorney General, Adjutant General, Superintendent of Public Education, and Commissioner of the Land Office, each one copy ; to the Judges and Clerks of the Circuit Courts, and the Courts of Baltimore city, each one copy ; to the Judges and the Clerk of the Court of Appeals, each one copy ; to the Orphans' Courts of the State, each one copy ; to the State's Attorneys, each one copy ; to the Register of Wills, each one copy ; to the Boards of County Commissioners, each one copy ; to the Mayor of Baltimore city, one copy.

And the remaining eleven copies shall be retained in the State Library, subject to the disposition of the General Assembly.

And the President of this Convention is hereby authorized and directed to pay James Wingate one hundred dollars, for preparing said carefully elaborated index and side notes to said Constitution, and also two dollars per copy for said Constitution, when published by James Wingate.

Mr. Thomas moved to postpone informally the consideration of the order ;

Decided in the negative.

Mr. Thomas moved to refer said order to the Committee on Printing and Reporting ;

Decided in the affirmative.

On motion of Mr. Wooden,

It was ordered to be entered on the Journal that Mr. Smith, of Carroll, is detained from his seat in consequence of urgent business engagements.

Mr. Stirling moved to reconsider the vote by which an order was adopted on Wednesday last, in reference to making four manuscript copies of the Constitution, &c.

Decided in the affirmative.

The question being on the adoption of the order,

Mr. Stirling moved to amend said order by substituting the following:

Ordered, That the Constitution when finally adopted by the Convention, be written on parchment or detached sheets of bill paper, that the same be subscribed by the President and attested by the Secretary of the Convention, and be deposited with the Clerk of the Court of Appeals.

Decided in the affirmative.

Mr. Stockbridge submitted the following order :

Ordered, That the Revising Clerk be requested to have appended to the Report of Debates, a copy of the official vote upon the question of calling this Convention, and also of the vote upon the question of the ratification of the Constitution which we shall submit to the people.

Decided in the affirmative.

Mr. Galloway called up the report of the Committee on Accounts, authorising the President of the Convention, to pay all bills for Reporting and Printing remaining unpaid after the adjournment of the Convention.

On motion of Mr. Purnell,

The said report was concurred in.

Mr. Earle from the Committee on Revision and Engrossment, submitted the following report:

The Committee on Revision, report that they have examined the following articles of the Constitution:

1. On the Elective Franchise,
2. On the Executive Department.
3. On the Attorney General and State's Attorneys.
4. On Education.
5. On Militia.

In all the above articles they have made changes, which are submitted for the consideration of the Convention.

GEORGE EARLE, Chairman.

Mr. Hebb moved that the report of the Committee be concurred in.

The question being on the adoption of the motion,

Mr. Negley demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows:

AFFIRMATIVE.

| | | |
|-------------------|------------------|--------------|
| Messrs. | Galloway, | Nyman, |
| Goldsborough, P't | Greene, | Parker, |
| Abbott, | Hebb, | Pugh, |
| Annan, | Hoffman, | Purnell, |
| Audoun, | Hopper, | Ridgely, |
| Baker, | Jones, of Cecil, | Russell, |
| Barron, | Keefer, | Schley, |
| Cunningham, | Kennard, | Schlosser, |
| Cushing, | King, | Stirling, |
| Daniel, | Larsh, | Stockbridge, |
| Davis, of Wash., | Markey, | Swope, |
| Dellinger, | McComas, | Sykes, |
| Earle, | Mullikin, | Thomas, |
| Ecker, | Murray, | Todd, |
| Farrow, | Negley, | Wooden—44. |

NEGATIVE.

| | | |
|--------------------|-----------|----------------|
| Messrs. | Dent, | Mitchell, |
| Belt, | Duvall, | Miller, |
| Bond, | Hollyday, | Parran, |
| Brown, | Horsey, | Peter, |
| Chambers, | Lansdale, | Smith of Dor., |
| Crawford, | Lee, | Wilmer—19. |
| Davis, of Charles, | Marbury, | |

So the report of the Committee was concurred in.

The President appointed Messrs. Stockbridge, Ridgely and Stirling, a committee on Printing and circulating the Constitution, in accordance with an order adopted by the Convention.

On motion of Mr. Hebb,

The report of the Committee on the Schedule was taken up and read the third time and passed by yeas and nays as follows :

AFFIRMATIVE.

| | | |
|-------------------|------------------|--------------|
| Messrs. | Greene, | Pugh, |
| Goldsborough, P't | Hebb, | Purnell, |
| Abbott, | Hoffman, | Ridgely, |
| Audoun, | Hopper, | Russell, |
| Baker, | Jones, of Cecil, | Schley, |
| Barron, | Keefer, | Schlosser, |
| Brooks, | Kennard, | Stirling, |
| Cunningham, | King, | Stockbridge, |
| Cushing, | Larsh, | Swope, |

| | | |
|------------------|-----------|------------|
| Daniel, | Markey, | Sykes, |
| Davis, of Wash., | McComas, | Thomas, |
| Dellinger, | Mullikin, | Todd, |
| Ecker, | Negley, | Wickard, |
| Farrow, | Nyman, | Wooden—43. |
| Galloway, | Parker, | |

NEGATIVE.

| | | |
|--------------------|-----------|------------|
| Messrs. | Dent, | Marbury, |
| Belt, | Duvall, | Mitchell, |
| Bond, | Hollyday, | Miller, |
| Brown, | Horsey, | Parran, |
| Chambers, | Lansdale, | Peter, |
| Crawford, | Lee, | Wilmer—18. |
| Davis, of Charles, | | |

On motion of Mr. Cushing,

The Convention proceeded to the consideration of the report of the Committee on the Judiciary.

Mr. Todd moved a call of the Convention;

Which was sustained,

Mr. Cushing moved that further proceedings under the call be dispensed with.

Decided in the negative.

The roll was then called, and the following members responded:

Messrs. Goldsborough, (President,) Abbott, Annon, Audoun, Baker, Barron, Belt, Bond, Brooks, Brown, Carter, Chambers, Crawford, Cunningham, Cushing, Daniel, Davis, of Charles, Davis, of Washington, Dellinger, Dent, Duvall, Ecker, Farrow, Galloway, Greene, Hatch, Hebb, Hoffman, Hollyday, Hopper, Horsey, Jones, of Cecil, Keefer, Kennard, Lansdale, Larsh, Lee, Marbury, Markey, McComas, Mitchell, Miller, Mullikin, Negley, Parker, Parran, Peter, Pugh, Purnell, Ridgely, Russell, Schley, Schlosser, Smith, of Dorchester, Stirling, Stockbridge, Swope, Sykes, Thomas, Wickard, Wilmer, Wooden—63.

On motion of Mr. Kennard,

Further proceedings under the call were dispensed with.

On motion of Mr. Dellinger,

The Convention took a recess until 3½ o'clock.

AFTERNOON SESSION.

The Convention met at 3½ o'clock, P. M.

All the members present except the following :

Messrs. Annan, Barron, Berry, of Baltimore County, Berry of Prince George's, Billingsley, Blackiston, Bond, Briscoe, Chambers, Clarke, Dail, Dennis, Edelen, Gale, Harwood, Henkle, Hodson, Hopkins, Johnson, Jones, of Somerset, Lansdale, Mace, Mayhugh, Noble, Peter, Robinette, Sands, Smith, of Carroll, Smith, of Worcester, Sneary, Thomas, Thruston, Turner, Valliant—34.

The Convention resumed the consideration of the report of the Committee on the Judiciary Department.

Mr. Farrow, (seconded by Messrs. Hebb and Greene,) moved to reconsider the vote by which the twenty-ninth section of the report was adopted ;

The question being on the adoption of the motion,

Mr. Miller demanded the yeas and nays ;

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------|-----------|--------------|
| Messrs. | Farrow, | Parker, |
| Abbott, | Greene, | Pugh, |
| Annan, | Hatch, | Purnell, |
| Audoun, | Hebb, | Russell, |
| Baker, | Henkle, | Schley, |
| Brooks, | Hopper, | Schlosser, |
| Cunningham, | Keefer, | Scott, |
| Cushing, | Kennard, | Sneary, |
| Daniel, | Lansdale, | Stirling, |
| Dellinger, | Marbury, | Stockbridge, |
| Dent, | McComas, | Thomas, |
| Duvall, | Mitchell, | Wickard, |
| Ecker, | Negley, | Wooden—38. |

NEGATIVE.

| | | |
|------------------|------------------|-----------|
| Messrs. | Hoffman, | Morgan, |
| Goldsbrough, P't | Hollyday, | Mullikin, |
| Belt, | Horsey, | Parran, |
| Brown, | Jones, of Cecil, | Ridgely, |

| | | |
|------------------|---------|--------------|
| Carter, | Larsh, | Swope, |
| Crawford, | Lee, | Sykes, |
| Davis, of Wash., | Markey, | Todd, |
| Galloway, | Miller, | Valliant—23. |

So the question upon its adoption was decided in the affirmative.

The question then recurring upon the adoption of section twenty-nine.

Mr. Audoun demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|-----------|--------------|
| Messrs. | Larsh, | Parran, |
| Goldsborough, P't | Markey, | Purnell, |
| Belt, | Mitchell, | Ridgely, |
| Carter, | Miller, | Swope, |
| Farrow, | Morgan, | Todd, |
| Hoffman, | Mullikin, | Valliant—18. |
| Jones, of Cecil. | | |

NEGATIVE.

| | | |
|------------------|-----------|--------------|
| Messrs. | Duvall, | McComas, |
| Abbott, | Ecker, | Negley, |
| Annan, | Galloway, | Parker, |
| Audoun, | Greene, | Pugh, |
| Baker, | Hatch, | Russell, |
| Brooks, | Hebb, | Schley, |
| Brown, | Henkle, | Schlosser, |
| Chambers, | Hollyday, | Scott, |
| Crawford, | Hopper, | Sneary, |
| Cunningham, | Horsey, | Stirling, |
| Cushing, | Keefer, | Stockbridge, |
| Daniel, | Kennard, | Sykes, |
| Davis, of Wash., | Lansdale, | Thomas, |
| Dellinger, | Lee, | Wickard, |
| Dent, | Marbury, | Wooden—43. |

So the question upon its adoption was decided in the negative.

Mr. Audoun, (seconded by Messrs. Hebb and Cushing,) moved to reconsider the vote by which section 30 was adopted.

Decided in the affirmative.

The question recurring upon the adoption of the section;

It was decided in the negative.

The report was then ordered to be engrossed for a third reading.

On motion of Mr. Pugh,

The report was placed upon its third reading.

Mr. Stockbridge (by general consent,) submitted the following amendment:

“Or of the Superior Court, Court of Common Pleas, Circuit Court or Criminal Court in Baltimore city;”

Decided in the affirmative.

Mr. Stockbridge moved to open the report for the purpose of amending section 19.

Decided in the negative.

Mr. Pugh moved to open the report for the purpose of amending the 27th section.

Decided in the affirmative.

Mr. Pugh moved to strike out the words “at the time of his election,” in the 16th line.

Decided in the affirmative.

Mr. Stirling moved to insert said words stricken out after the word “be,” in the 14th line;

Decided in the affirmative.

Mr. Miller moved to open the report for the purpose of moving to strike out section 31.

Decided in the negative.

Mr. Stockbridge moved to re-open the 34th section for amendment.

Decided in the affirmative.

Mr. Stockbridge moved to strike out all after the word “streets,” in the 10th line of section 34.

Decided in the affirmative.

Mr. Stirling moved to open the 41st section for amendment.

Decided in the affirmative.

Mr. Stirling moved to strike out the words “first day of January succeeding,” and insert the words “time of,”

Decided in the affirmative.

Mr. Stirling moved to open the 42d section for amendment.

Decided in the affirmative.

Mr. Stirling moved to amend section 42 by inserting after the word "elected," in the fifth line, the words "and until their successors are elected and qualified;"

Decided in the affirmative.

Mr. Hebb (by general consent) submitted the following amendment:

Insert as section 26 the following:

The Judges of the respective Circuit Courts of this State, or of the courts of the city of Baltimore, shall render their decision in all cases argued before them, or submitted for their judgment; within two months, after the same shall have been so argued or submitted.

Decided in the affirmative.

Mr. Stirling (by general consent) submitted the following amendment:

Sec. 47, line ten, strike out the words "Circuit Court," and insert the word "Governor;"

Decided in the affirmative.

Mr. Stirling, (by general consent,) submitted the following amendment:

Sec. —. There shall be an election held in the several counties and in the city of Baltimore, on the Tuesday next after the first Monday in the month of November, in every second year. The first election to be held in the year eighteen hundred and sixty-five, at which elections all Clerks of Courts and Registers of Wills, Judges of the Orphans' Court, Sheriffs, County Commissioners, and all other county officers elected by the people shall be chosen whenever an election for any such officer is required to be held, but this shall not apply the municipal officers of any incorporated town or city;

On motion of Mr. Hebb,

The amendment was referred to the Committee on Revision and Engrossment.

The report having been read the third time, was passed by yeas and nays as follows:

AFFIRMATIVE.

| | | |
|-------------------|------------------|--------------|
| Messrs. | Greene, | Purnell, |
| Goldsborough, P't | Hatch, | Ridgely, |
| Abbott, | Hebb, | Russell, |
| Annan, | Hoffman, | Schley, |
| Audoun, | Hopper, | Schlosser, |
| Baker, | Jones, of Cecil, | Scott, |
| Carter, | Keefer, | Sneary, |
| Cunningham, | Kennard, | Stirling, |
| Cushing, | King, | Stockbridge, |
| Daniel, | Larsh, | Swope, |
| Davis, of Wash., | McComas, | Sykes, |
| Dellinger, | Mullikin, | Thomas, |
| Earle, | Negley, | Todd, |
| Ecker, | Nyman, | Valliant, |
| Farrow, | Parker, | Wickard, |
| Galloway, | Pugh, | Wooden—47. |

NEGATIVE.

| | | |
|-----------|-----------|------------|
| Messrs. | Dent, | Marbury, |
| Belt, | Hollyday, | Mitchell, |
| Brown, | Horsey, | Miller, |
| Chambers, | Lee, | Parran—12. |
| Crawford, | | |

On motion of Mr. Stockbridge,

The Convention proceeded to the consideration of the Report
of the Committee on Usury ;

Pending the consideration of which,

On motion of Mr. Stirling,

The Convention took a recess until 8 o'clock.

EVENING SESSION.

The Convention met at 8 o'clock, P. M.

All the members present except the following :

Messrs. Barron, Berry, of Baltimore county, Berry, of
Prince George's, Billingsley, Blackiston, Bond, Briscoe,

Clarke, Dail, Davis, of Charles, Dennis, Edelen, Gale, Harwood, Henkle, Hodson, Hopkins, Johnson, Jones, of Somerset, Lansdale, Mace, Mayhugh, Noble, Nyman, Parker, Peter, Robinette, Smith, of Carroll, Smith, of Dorchester, Smith, of Worcester, Swope, Thruston, Turner, Wilmer—34.

Mr. Ridgely submitted the following order :

Ordered, That when the Convention adjourns to-night, it stands adjourned until Monday next, at 12 o'clock ;

Mr. Negley moved to amend by striking out "Monday," and inserting "Tuesday ;"

Mr. Miller moved the previous question;

The question being,

"Shall the main question be now put?"

It was decided in the affirmative.

The question then being on the adoption of the amendment submitted by Mr. Negley ;

Mr. Hebb demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows:

AFFIRMATIVE.

| | | |
|------------|------------------|------------|
| Messrs. | Galloway, | McComas, |
| Audoun, | Hatch, | Mitchell, |
| Brooks, | Hoffman, | Miller, |
| Brown, | Hollyday, | Negley, |
| Carter, | Hopper, | Parker, |
| Chambers, | Horsey, | Parran, |
| Dellinger, | Jones, of Cecil, | Ridgely, |
| Dent, | Kennard, | Sneary, |
| Duvall, | King, | Sykes, |
| Earle, | Larsh, | Thomas—31. |
| Ecker, | Lee, | |

NEGATIVE.

| | | |
|------------------|-----------|--------------|
| Messrs. | Greene, | Sands, |
| Goldsbrough, P't | Hebb, | Schley, |
| Abbott, | Keefer, | Schlosser, |
| Annan, | Marbury, | Scott, |
| Baker, | Markey, | Stirling, |
| Belt, | Mullikin, | Stockbridge, |
| Crawford, | Murray, | Swope, |
| Cunningham, | Nyman, | Todd, |

| | | |
|------------------|----------|------------|
| Cushing, | Pugh, | Valliant, |
| Daniel, | Purnell, | Wickard, |
| Davis, of Wash., | Russell, | Wooden—33. |
| Farrow, | | |

So the question upon its adoption was decided in the negative.

The question recurring upon the adoption of the order submitted by Mr. Ridgely ;

Mr. Cushing demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|-----------|--------------|
| Messrs. | Ecker, | Negley, |
| Goldsborough, P't | Galloway, | Parker, |
| Audoun, | Hatch, | Parran, |
| Brooks, | Hollyday, | Purnell, |
| Brown, | Horsey, | Ridgely, |
| Chambers, | King, | Schlosser, |
| Cunningham, | Larsh, | Scott, |
| Davis, of Wash., | Lee, | Sneary, |
| Dellinger, | Markey, | Stockbridge, |
| Dent, | Mitchell, | Sykes, |
| Duvall, | Miller, | Thomas, |
| Earle, | Murray, | Todd—35. |

NEGATIVE.

| | | |
|-----------|------------------|------------|
| Messrs. | Greene, | Nyman, |
| Abbott, | Hebb, | Pugh, |
| Annan, | Hoffman, | Russell, |
| Baker, | Hopper, | Sands, |
| Belt, | Jones, of Cecil, | Schley, |
| Carter, | Keefer, | Stirling, |
| Crawford, | Kennard, | Swope, |
| Cushing, | Marbury, | Valliant, |
| Daniel, | McComas, | Wickard, |
| Farrow, | Mullikin, | Wooden—29. |

So the question upon its adoption was decided in the affirmative.

The Convention proceeded to the consideration of the Report of the Committee on Interest and the Usury Laws.

Mr. Stirling (seconded by Messrs. Purnell and Kennard,) moved to reconsider the vote by which the report was ordered to be engrossed for a third reading.

The question being on the adoption of the motion,

Mr. Chambers demanded the yeas and nays ;

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------|------------|--------------|
| Messrs. | Dellinger, | Parker, |
| Abbott, | Farrow, | Purnell, |
| Annan, | Greene, | Ridgely, |
| Audoun, | Hatch, | Schley, |
| Baker, | Hebb, | Scott, |
| Belt, | Hoffman, | Sneary, |
| Brooks, | Hopper, | Stirling, |
| Brown, | Kennard, | Stockbridge, |
| Cunningham, | Larsh, | Todd, |
| Cushing, | Marbury, . | Valliant, |
| Daniel, | Negley, | Wickard—32. |

NEGATIVE.

| | | |
|------------------|------------------|------------|
| Messrs. | Hollyday, | Mullikin, |
| Carter, | Horsey, | Parran, |
| Chambers, | Jones, of Cecil, | Pugh, |
| Crawford, | Keefer, | Russell, |
| Davis, of Wash., | Lee, | Sands, |
| Dent, | McComas, | Schlosser, |
| Duvall, | Mitchell, | Swope, |
| Ecker, | Miller, | Wooden—24. |
| Galloway, | | |

So the question upon its adoption was decided in the affirmative.

Mr. Abbott submitted the following amendment:

Amend by inserting after the word “per annum,” in the second line, “but such rates may be contracted for as Congress have or may hereafter allow on any loans of the United States;”

Mr. Belt submitted the following amendment :

Amend the report by substituting in lieu thereof the following:

“That the legal rate of interest in this State shall be six per centum per annum, except in cases of agreements between contracting parties; and in all such cases parties contracting shall have power to contract, and to recover any rate of interest not exceeding ten per centum per annum;”

The question being on the amendment submitted by Mr. Abbott,

Mr. Negley submitted the following amendment to the amendment:

Strike out all after the words "contracted for," and insert the words "as shall be agreed upon between the parties, not exceeding eight per centum per annum;"

Mr. King called the previous question,

The question being,

"Shall the main question be now put?"

It was decided in the affirmative.

The question then being on the adoption of the amendment to the amendment as submitted by Mr. Negley.

Mr. Sands demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called and appeared as follows :

AFFIRMATIVE.

| | | |
|------------|-----------|-----------|
| Messrs. | Greene, | Parker, |
| Audoun, | Hebb, | Schley, |
| Baker, | Hoffman, | Scott, |
| Brooks, | Hopper, | Sneary, |
| Brown, | Kennard, | Stirling, |
| Cushing, | Lansdale, | Sykes, |
| Daniel, | Markey, | Todd—22. |
| Dellinger, | Negley, | |

NEGATIVE.

| | | |
|------------------|------------------|--------------|
| Messrs. | Henkle, | Murray, |
| Abbott, | Horsey, | Nyman, |
| Annan, | Jones, of Cecil, | Parran, |
| Belt, | Keefer, | Pugh, |
| Carter, | King, | Purnell, |
| Crawford, | Larsh, | Ridgely, |
| Davis, of Wash., | Lee, | Russell, |
| Dent, | Marbury, | Sands, |
| Duvall, | McComas, | Stockbridge, |
| Ecker, | Mitchell, | Swope, |
| Farrow, | Miller, | Valliant, |
| Galloway, | Morgan, | Wickard, |
| Hatch, | Mullikin, | Wooden—38. |

So the question upon its adoption was decided in the negative.

The question next being on the adoption of the amendment submitted by Mr. Abbott,

Mr. Sands demanded the yeas and nays ;

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|------------|-----------|-----------|
| Messrs. | Greene, | Parker, |
| Abbott, | Hebb, | Pugh, |
| Annan, | Hoffman, | Scott, |
| Brown, | Hopper, | Sneary, |
| Cushing, | Lansdale, | Stirling, |
| Daniel, | Markey, | Todd—19. |
| Dellinger, | Negley, | |

NEGATIVE.

| | | |
|------------------|------------------|--------------|
| Messrs. | Henkle, | Murray, |
| Audoun, | Horsey, | Nyman, |
| Baker, | Jones, of Cecil, | Parran, |
| Belt, | Keefer, | Purnell, |
| Brooks, | Kennard, | Ridgely, |
| Carter, | King, | Russell, |
| Crawford, | Larsh, | Sands, |
| Davis, of Wash., | Lee, | Stockbridge, |
| Dent, | Marbury, | Swope, |
| Duvall, | McComas, | Sykes, |
| Ecker, | Mitchell, | Valliant, |
| Farrow, | Miller, | Wickard, |
| Galloway, | Morgan, | Wooden—40. |
| Hatch, | Mullikin, | |

So the question upon its adoption was decided in the negative.

The question then recurring upon the adoption of the amendment as submitted by Mr. Belt ;

Mr. King demanded the yeas and nays ;

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|---------|----------|----------|
| Messrs. | Hebb, | Ridgely, |
| Belt, | Hoffman, | Schley, |

| | | |
|------------|-----------|--------------|
| Brooks, | Lansdale, | Scott, |
| Brown, | Larsh, | Snearly, |
| Cushing, | Markey, | Stirling, |
| Daniel, | Negley, | Stockbridge, |
| Dellinger, | Parker, | Sykes—23. |
| Hatch, | Pugh, | |

NEGATIVE.

| | | |
|------------------|------------------|------------|
| Messrs. | Greene, | Morgan, |
| Abbott, | Henkle, | Mullikin, |
| Annan, | Hopper, | Murray, |
| Audoun, | Horsey, | Nyman, |
| Baker, | Jones, of Cecil, | Parran, |
| Carter, | Keefer, | Purnell, |
| Crawford, | Kennard, | Russell, |
| Davis, of Wash., | King, | Sands, |
| Dent, | Lee, | Swope, |
| Duvall, | Marbury, | Todd, |
| Ecker, | McComas, | Valliant, |
| Farrow, | Mitchell, | Wooden—37. |
| Galloway, | Miller, | |

So the question upon its adoption was decided in the negative.

The report was then ordered to be engrossed for a third reading.

On motion of Mr. Stockbridge,

The rules were suspended, the said report of the Committee on Interest and Usury Laws read the third time and passed by yeas and nays, as follows :

AFFIRMATIVE.

| | | |
|------------------|------------------|------------|
| Messrs. | Henkle, | Nyman, |
| Annan, | Horsey, | Parran, |
| Audoun, | Jones, of Cecil, | Purnell, |
| Carter, | Keefer, | Russell, |
| Crawford, | Kennard, | Sands, |
| Davis, of Wash., | King, | Swope, |
| Dent, | Marbury, | Thomas, |
| Duvall, | McComas, | Todd, |
| Ecker, | Mitchell, | Valliant, |
| Farrow, | Mullikin, | Wooden—32. |
| Galloway, | Murray, | |

NEGATIVE.

| | | |
|---------|--------|----------|
| Messrs. | Hatch, | Pugh, |
| Abbott, | Hebb, | Ridgely, |

| | | |
|------------|----------|--------------|
| Baker, | Hoffman, | Schley, |
| Belt, | Hopper, | Scott, |
| Brooks, | Larsh, | Sneary, |
| Brown, | Lee, | Stirling, |
| Cushing, | Markey, | Stockbridge, |
| Daniel, | Negley, | Sykes, |
| Dellinger, | Parker, | Wickard—27. |
| Greene, | | |

Mr. Stockbridge read the following telegram :

OFFICE ANNAPOLIS TELEGRAPH COMPANY.

The following message was received at this office at — o'clock, Sept. 2nd, 1864, dated Baltimore, Sept. 2nd, 1864:

JNO. MCGARRIGLE,
of Baltimore American.

Official announcement just received, that Sherman's advance entered Atlanta, Ga., to-day.

ALEXANDER FULTON.

On motion of Mr. Mullikin,
The Convention adjourned.

MONDAY, September 5th, 1864.

The Convention met at 12 o'clock, M.

Prayer by the Rev. Mr. Owen.

All the members present except the following :

Messrs. Barron, Berry, of Prince George's, Billingsley, Blackiston, Briscoe, Dennis, Edelen, Gale, Harwood, Henkle, Hodson, Hopkins, Hopper, Johnson, Mace, Marbury, McComas, Noble, Peter, Pugh, Robinette, Sands, Smith, of Carroll, Smith, of Worcester, Sykes, Thruston—25.

The proceedings of Friday were read and approved.

Mr. Wickard submitted the following order :

Ordered, That the Special Committee on publishing the

new Constitution, be instructed to authorize the publication of the same in two newspapers in each county of the State, (in which there are two printed,) and in three in the city of Baltimore, at least three times before the day on which it shall be submitted to the people for their ratification or rejection; provided, it can be done at a cost of one dollar per square.

Mr. Davis, of Charles, submitted the following amendment:

After the words "three times," insert "for at least two weeks before the day of election;"

Decided in the negative.

The question recurring upon the adoption of the order,

Mr. Wickard demanded the yeas and nays;

The demand being sustained,

The yeas and nays were called, and appeared as follows:

AFFIRMATIVE.

| | | |
|------------------|-----------------|------------|
| Messrs. | Dellinger, | Negley, |
| Abbott, | Dent, | Nyman, |
| Annan, | Duvall, | Schley, |
| Audoun, | Greene, | Sneary, |
| Baker, | Hebb, | Swope, |
| Belt, | Jones, of Som., | Thomas, |
| Brooks, | Kennard, | Valliant, |
| Chambers, | Lansdale, | Wickard, |
| Clarke, | Miller, | Wooden—28. |
| Davis, of Wash., | Morgan, | |

NEGATIVE.

| | | |
|---------------------|------------------|-----------------|
| Messrs. | Farrow, | Murray, |
| Goldsborough, P't | Galloway, | Parker, |
| Berry, of Balt. co. | Hatch, | Purnell, |
| Bond, | Hoffman, | Ridgely, |
| Brown, | Horsey, | Russell, |
| Carter, | Jones, of Cecil, | Schlosser, |
| Crawford, | Keefer, | Scott, |
| Cunningham, | King, | Smith, of Dor., |
| Cushing, | Larsh, | Stirling, |
| Dail, | Lee, | Stockbridge, |
| Daniel, | Markey, | Todd, |
| Davis, of Charles, | Mayhugh, | Turner, |
| Earle, | Mitchell, | Wilmer—40. |
| Ecker, | Mullikin, | |

So the question upon its adoption was decided in the negative.

Mr. Abbott submitted the following order :

Ordered, That this Convention recommend the Governor, immediately after the adoption of the new Constitution, to issue pardons to all persons now held in confinement for any violation of the laws made for the protection of slavery in this State.

Mr. Mayhugh moved to lay the said order on the table;

Decided in the affirmative.

Mr. Greene submitted the following order :

Ordered, That the Committee on Accounts be directed to adjust the per diem and mileage, according to law, of the several members of the Convention up to and inclusive of Tuesday, the sixth day of September, 1864, and to issue certificates for the same to members on and after that day.

Which was adopted.

Mr. Valliant submitted the following order :

Ordered, That the Committee on Accounts pay John McGarrigle, one hundred dollars for extra services rendered, as superintendent of the printing of the Debates of this Convention.

Which was adopted.

Mr. Valliant submitted the following order :

Ordered, That the Committee on Accounts be, and they are hereby instructed to pay to Mr. Daniel M. Moore, the sum of two hundred dollars, for extra services rendered, for indexing the works of this Convention.

Mr. Thomas moved to strike out "two hundred," and insert "three hundred,"

Decided in the negative.

The question recurring upon the adoption of the order submitted by Mr. Valliant ;

It was decided in the affirmative.

Mr. Valliant from the Committee on Reporting and Printing submitted the following

REPORT:

The Committee on Reporting and Printing to whom was

referred the order offered September 3rd, 1864, by Mr. Greene, of Allegany, very respectfully beg leave to report, that after mature deliberation they have concluded that said order ought not to be adopted, and herewith offer the following instead thereof:

Ordered, That the Comptroller of the Treasury be authorized, and is hereby directed to contract with Mr. Richard P. Bayly, of Annapolis, Printer to the Convention, for the printing and binding of 500 copies of the Constitution when adopted by the people of Maryland; said copies to be printed in the same style, on such quality of paper, and bound in like manner to the edition of the present Constitution, published by Murphy and Co., of Baltimore, in 1855.

JAMES VALLIANT, Chairman,

Com. on Reporting and Printing.

Mr. Greene moved to amend said report of the Committee by substituting the order submitted by him on Friday last, to wit:

That the State Librarian be and he is hereby directed to purchase of James Wingate 300 copies of the Constitution passed by this Convention, when adopted by the voters of this State; said Constitution shall contain an elaborate Index, prepared with references to articles and sections, and also to the page; said Constitution shall be printed in the best style, (with side notes,) on fair white paper with large fair type and well bound, and shall contain the names of the members of this Convention; said Constitution shall contain the certificate of the Clerk of the Court of Appeals, that it is a true copy of the Constitution passed by this Convention; and the Indexing and publication of said Constitution shall be approved by the President of this Convention; and the State Librarian shall distribute said copies of the Constitution, as follows: One copy to each member of Convention, to the Governor, Lieutenant Governor, Comptroller, Treasurer, Attorney General, Adjutant General, Superintendent of Public Education, and Commissioner of the Land Office, each one copy; to the Judges and Clerks of the Circuit Courts, and the Courts of Baltimore city, each one copy; to the Judges and the Clerk of the Court of Appeals, each one copy; to the Orphans' Courts of the State, each one copy; to the State's Attorneys, each one copy; to the Register of Wills, each one copy; to the Boards of County Commissioners, each one copy; to the Mayor of Baltimore city, one copy; and fifty copies to the Governor for distribution to the Governors of the several States; and the remaining eleven copies shall be retained in the State Library, subject to the disposition of the General As-

sembly; and the President of this Convention is hereby authorized and directed to pay James Wingate one hundred dollars, for preparing said carefully elaborated index and side notes to said Constitution, and also two dollars per copy for said Constitution, when published by James Wingate.

On motion of Mr. Jones, of Somerset,

The consideration of the subject was informally postponed.

Mr. Hebb moved to suspend the Rules to receive the report of the Committee on Revision and Engrossment ;

Decided in the affirmative.

Mr. Earle, from the Committee on Revision and Engrossment submitted a report, recommending certain alterations in the reports of the Committee on the Treasury Department, Amendments to the Constitution, Tenure of Office, Duties, &c., of Civil Officers, Legislative Department, Judiciary Department ;

Which report was concurred in.

On motion of Mr. Chambers,

The Convention took a recess until half-past three o'clock.

AFTERNOON SESSION.

The Convention met at 3½ o'clock, P. M.

All the members present except the following :

Messrs. Barron, Belt, Berry, of Prince George's, Billingsley, Blackiston, Briscoe, Chambers, Clarke, Davis, of Washington, Dennis, Edelen, Gale, Harwood, Henkle, Hodson, Hopkins, Hopper, Johnson, King, Mace, Marbury, McComas, Miller, Noble, Nyman, Peter, Pugh, Robinette, Sands, Smith, of Carroll, Smith, of Worcester, Sykes, Thomas, Thruston—34.

Mr. Davis, of Charles, submitted the following resolution :

Resolved, That it is the sense of this Convention, that all Constitutions framed by Conventions, called by the voters of

any State for that purpose subject to their ratification, ought to be submitted to the legal voters of such State for their ratification or rejection before such Constitution or any part thereof should go into operation, and any attempt by a Convention to adopt and put in force a Constitution or any part thereof in violation of promises to the people, that the Constitution to be framed should be submitted to them, would be a breach of faith, and any Convention acting in such manner as above described ought to forfeit the confidence of the people ;

Which was read the first time.

On motion of Mr. Wickard,

It was ordered to be noted upon the Journal, that Dr. Hopkins left his seat in the Hall on Wednesday afternoon on account of his wife's illness, and has been detained since on account of his own.

Mr. Negley moved to re-consider the vote by which the order was adopted on Tuesday last, in reference to the publication of the Constitution ;

Decided in the affirmative.

On motion of Mr. Negley,

The further consideration of the subject was postponed until to-morrow.

On motion of Mr. Negley,

The Convention proceeded to the consideration of the Report of the Committee on Printing, in reference to the publication of the Constitution after its adoption by the people.

The question being on the amendment submitted by Mr. Greene.

Mr. Thomas demanded the yeas and nays;

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|---------------------|-----------------|------------|
| Messrs. | Duvall, | Mitchell, |
| Berry, of Balt. co. | Greene, | Morgan, |
| Bond, | Hebb, | Parran, |
| Brown, | Hoffman, | Ridgely, |
| Chambers, | Hollyday, | Schley, |
| Crawford, | Jones, of Som., | Scott, |
| Dail, | Lansdale, | Stirling, |
| Daniel, | Lee, | Turner—24. |
| Dent, | | |

NEGATIVE.

| | | |
|-------------|------------------|------------|
| Messrs. | Hatch, | Parker, |
| Abbott, | Horsey, | Purnell, |
| Annan, | Jones, of Cecil, | Russell, |
| Audoun, | Keefer, | Schlosser, |
| Baker, | Kennard, | Sneary, |
| Carter, | King, | Swope, |
| Cunningham. | Larsh, | Thomas, |
| Cushing, | Mayhugh, | Todd, |
| Dellinger, | Mullikin, | Valliant, |
| Farrow, | Murray, | Wickard, |
| Galloway, | Negley, | Wooden—32. |

So the question upon its adoption was decided in the negative.

Upon the foregoing question, Mr. Stockbridge refused to vote.

The question recurring upon the adoption of the report of the Committee.

Mr. Thomas submitted the following amendment:

Strike out all after the word "Maryland," and insert the words "the said Constitution shall contain an elaborate index prepared with reference to articles and sections, and also to the page. The said Constitution shall be printed in the best style, (with side notes,) on fair white paper, with large fair type, and well bound, and shall contain the names of the members of this Convention, and a certificate of the Clerk of the Court of Appeals that it is a true copy of the Constitution passed by this Convention; and the cost shall not exceed two dollars per copy, and the State Librarian shall distribute said copies of the Constitution as follows:

One copy to each member of the Convention, to the Governor, Lieutenant Governor, Comptroller, Treasurer, Attorney General, Adjutant General, Superintendent of Public Education and Commissioner of Land Office, each one copy; to the Judges and Clerks of the Circuit Courts and the Courts of Baltimore city each one copy; to the Judges and the Clerk of the Court of Appeals each one copy; to the Orphans' Courts of the State each one copy; to the State's Attorneys each one copy; to the Register of Wills each one copy; to the Boards of County Commissioners each one copy; to the Mayor of Baltimore city one copy, and fifty copies to the Governor for distribution among the Governors of the several States.

And the remaining copies shall be retained in the State Library, subject to the disposition of the General Assembly."

Decided in the affirmative.

The question then recurring upon the adoption of the report of the Committee as amended ;

It was decided in the affirmative.

Mr. Ridgely submitted the following order :

Ordered, That the President of this Convention be allowed a per diem of six dollars, and that the Committee on Accounts audit his account accordingly.

Mr. Lee submitted the following amendment :

Add at the end of the order the words :

“And that the Committee on Accounts be hereby instructed to audit the mileage account of each member of this Convention according to the joint resolution of the General Assembly of this State at its last session, adjusting the mileage of the members of that body ;

Mr. Dellenger, called the previous question,

The question being,

“Shall the main question be now put ?”

It was decided in the affirmative.

Mr. Stockbridge moved a call of the Convention ;

Which was sustained,

On motion of Mr. Negley,

Further proceedings under the call was dispensed with.

The question then being on the amendment submitted by Mr. Lee ;

Mr. Daniel demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows:

AFFIRMATIVE.

| | | |
|---------------------|------------------|-------------|
| Messrs. | Dellinger, | Miller, |
| Abbott, | Dent, | Morgan, |
| Audoun, | Duvall, | Murray, |
| Berry, of Balt. co. | Hatch, | Parran, |
| Bond, | Hollyday, | Ridgely, |
| Carter, | Jones, of Cecil, | Swope, |
| Chambers, | King, | Turner, |
| Crawford, | Lansdale, | Wickard—25. |
| Dail, | Larsh, | |

NEGATIVE.

| | | |
|------------------|-----------------|--------------|
| Messrs. | Hebb, | Parker, |
| Annan, | Hoffman, | Purnell, |
| Baker, | Horseý, | Russell, |
| Belt, | Jones, of Som., | Schley, |
| Brown, | Keefer, | Schlosser, |
| Cunningham, | Kennard, | Scott, |
| Cushing, | Lee, | Sneary, |
| Daniel, | Markey, | Stirling, |
| Davis, of Wash., | Mayhugh, | Stockbridge, |
| Ecker, | Mitchell, | Thomas, |
| Farrow, | Mullikin, | Todd, |
| Greene, | Negley, | Valliant, |
| Harwood, | Nyman, | Wooden—38. |

So the question upon its adoption was decided in the negative.

The question recurring upon the adoption of the order submitted by Mr. Ridgely.

Mr. Cushing demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------|-----------------|--------------|
| Messrs. | Greene, | Negley, |
| Brown, | Harwood, | Parker, |
| Cunningham, | Hollyday, | Purnell, |
| Cushing, | Jones, of Som., | Ridgely, |
| Dellinger, | Lansdale, | Schley, |
| Dent, | Morgan, | Thomas, |
| Farrow, | Murray, | Valliant—20. |

NEGATIVE.

| | | |
|---------------------|------------------|--------------|
| Messrs. | Ecker, | Miller, |
| Abbott, | Galloway, | Mullikin, |
| Annan, | Hatch, | Nyman, |
| Audoun, | Hebb, | Parran, |
| Baker, | Hoffman, | Russell, |
| Belt, | Horseý, | Schlosser, |
| Berry, of Balt. co. | Jones, of Cecil, | Scott, |
| Bond, | Keefer, | Sneary, |
| Carter, | Kennard, | Stirling, |
| Chambers, | King, | Stockbridge, |
| Crawford, | Larsh, | Swope, |
| Dail, | Lee, | Todd, |

| | | |
|------------------|-----------|------------|
| Daniel, | Markey, | Turner, |
| Davis, of Wash., | Mayhugh, | Wickard, |
| Duvall, | Mitchell, | Wooden—44. |

So the question upon its adoption was decided in the negative.

Mr. Chambers submitted the following resolution :

Resolved, That the thanks of the Convention are due and are hereby tendered to the Hon. Henry H. Goldsborough, the Presiding Officer of the Convention, for his dignified, efficient and impartial discharge of the duties of the Chair.

Which was read the first time.

On motion of Mr. Chambers,

The rules were suspended, the resolution read the second time, and unanimously adopted.

On motion of Mr. Brown,

The Convention took a recess until 8 o'clock.

EVENING SESSION.

The Convention met at 8 o'clock, P. M.

All the members present except the following :

Messrs. Barron, Belt, Berry, of Baltimore county, Billingsley, Blackiston, Briscoe, Brooks, Chambers, Clarke, Davis, of Charles, Dellinger, Dennis, Gale, Henkle, Hodson, Hopkins, Johnson, Lansdale, Mace, Marbury, Mayhugh, Miller, Morgan, Noble, Parker, Peter, Robinette, Sands, Smith, of Carroll, Smith, of Dorchester, Smith, of Worcester, Stirling, Thruston, Turner, Wilmer—35.

Mr. Hebb submitted the following order :

Ordered, That the bound copies of the Journal of Proceedings and of the Debates be placed in the State Library, and that the Librarian distribute such number of the same as may be necessary, in the same manner and to the same persons, and the same officers as the Laws of the General Assembly

are distributed; also to each member of the Convention two copies of the Debates, and one copy of the Journal of Proceedings, to the official Reporter three copies of the Debates, to the Assistant Reporter three copies of the Debates, to each Chaplain, officer and appointee of the Convention one copy of the Journal of Proceedings and one copy of the Debates; and the remaining copies of the Journal of Proceedings and of the Debates shall be retained in the Library, subject to the future order of the General Assembly, and the President of the Convention is hereby authorized to issue to the Librarian his certificate for such sum as may be necessary to defray the expenses of such distribution.

Mr. Abbott moved to amend by inserting six copies for the Chief Reporter, and three copies for the Assistant Reporter ;

Decided in the affirmative.

The question recurring upon the adoption of the order as amended,

It was decided in the affirmative.

Mr. Duvall submitted the following order :

Ordered, That the thanks of this Convention are due to and are hereby tendered Wm. R. Cole and Jno. H. Shaw, Secretary and Assistant Secretary, and all other officers connected with the Convention, for the faithful and efficient manner in which they have discharged their respective duties ;

Which was adopted.

Mr. Earle, from the Committee on Revision and Engrossment, submitted a report, recommending certain alterations and amendments to the report of the Committee on Schedule ;

Which report was concurred in.

On motion of Mr. Abbott,

The final reading of the Constitution was made the order of the day for to-morrow morning at 10 o'clock.

On motion of Mr. Thomas,

The Convention adjourned.

TUESDAY, September 6th, 1864:

The Convention met at 9½ o'clock, A. M.

Prayer by Rev. Mr. Patterson.

All the members present except the following :

Messrs. Berry, of Prince George's, Billingsley, Blackiston, Briscoe, Clarke, Dennis, Earle, Edelen, Harwood, Hopkins, Johnson, Mace, Noble, Robinette, Sands, Smith, of Carroll, Smith, of Worcester, Thruston—18.

The proceedings of yesterday were read and approved.

Mr. Abbott moved to take up the order submitted by him on yesterday, recommending the Governor, immediately after the adoption of this Constitution, to issue pardons to all persons now held in confinement for any violation of the laws made for the protection of slavery in this State ;

The question being on the adoption of the motion,

Mr. Pugh demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|---------------------|-----------|--------------|
| Messrs. | Ecker, | Parker, |
| Goldsborough, P't | Farrow, | Pugh, |
| Abbott, | Galloway, | Purnell, |
| Annan, | Greene, | Ridgely, |
| Audoun, | Hatch, | Russell, |
| Baker, | Hoffman, | Schley, |
| Barron, | Hopper, | Schlosser, |
| Berry, of Balt. co. | Keefer, | Scott, |
| Brooks, | Kennard, | Sneary, |
| Carter, | King, | Stirling, |
| Cushing, | McComas, | Stockbridge, |
| Daniel, | Murray, | Swope, |
| Davis, of Wash., | Negley, | Sykes, |
| Dellinger, | Nyman, | Valliant—41. |

NEGATIVE.

| | | |
|---------|------------------|-----------|
| Messrs. | Henkle, | Mitchell, |
| Belt, | Hollyday, | Miller, |
| Bond, | Horsey, | Morgan, |
| Brown, | Jones, of Cecil, | Mullikin, |

| | | |
|--------------------|-----------------|----------------|
| Chambers, | Jones, of Som., | Parran, |
| Crawford, | Lansdale, | Peter, |
| Cunningham, | Larsh, | Smith, of Dor. |
| Dail, | Lee, | Todd, |
| Davis, of Charles, | Marbury, | Turner, |
| Dent, | Markey, | Wilmer, |
| Duvall, | Mayhugh, | Wooden—33. |
| Gale, | | |

So the question upon its adoption was decided in the affirmative.

The question then being on the adoption of the order ;

Mr. Pugh demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|------------|--------------|
| Messrs. | Dellinger, | McComas, |
| Goldsborough, P't | Ecker, | Negley, |
| Abbott, | Farrow, | Pugh, |
| Annan, | Galloway, | Purnell, |
| Audoun, | Harwood, | Russell, |
| Baker, | Hatch, | Schley, |
| Barron, | Hebb, | Schlosser, |
| Brooks, | Hopper, | Stirling, |
| Carter, | Keefer, | Stockbridge, |
| Cunningham, | Kennard, | Swope, |
| Cushing, | Markey, | Valliant—34. |
| Daniel, | Mayhugh, | |

NEGATIVE.

| | | |
|---------------------|------------------|-----------------|
| Messrs. | Hodson, | Miller, |
| Belt, | Hoffman, | Morgan, |
| Berry, of Balt co., | Hollyday, | Mullikin, |
| Bond, | Horsey, | Parker, |
| Chambers, | Jones, of Cecil, | Peter, |
| Crawford, | Jones, of Som., | Ridgely, |
| Dail, | King, | Smith, of Dor., |
| Davis, of Charles, | Lansdale, | Sykes, |
| Dent, | Larsh, | Turner, |
| Duvall, | Lee, | Wilmer, |
| Gale, | Marbury, | Wooden—34. |
| Henkle, | Mitchell, | |

So the question upon its adoption was decided in the negative.

Mr. Berry, of Baltimore county, moved to take up the resolution submitted by Mr. Clarke on Tuesday, May 31st. (See Journal page 134.)

Decided in the affirmative.

Mr. Berry, of Baltimore county, submitted the following amendment.

Amend said resolutions by substituting the following:

Resolved, That a special committee to consist of seven members, be appointed by the President of the Convention, of which he shall act as chairman, whose duty it shall be to visit and confer with the President of the United States, respecting an appropriation on the part of the Federal Government to the State of Maryland in conformity to the recommendations of the messages of the President of the United States of March 6th, 1862, and December 1st, 1862, and the joint resolution of Congress, approved April 10th, 1862, declaring, "that the United States ought to co-operate with any State which may adopt gradual abolishment of slavery, giving to such State pecuniary aid, to be used by the State in its discretion, to compensate for inconveniences, public and private, produced by such a change of system."

The Committee will submit to the President of the United States article 24 of the Declaration of Rights, as adopted by this Convention, and respectfully ask in behalf of this body, that, upon the ratification of said 24th article by the people of this State, he will recommend to Congress at its next session to make such appropriation as will compensate loyal owners for the inconveniences and losses sustained in the premises.

Mr. Audoun moved to lay the amendment on the table,

The question being on the adoption of the motion,

Mr. Berry, of Baltimore county, demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows:

AFFIRMATIVE.

| | | |
|---------|----------|------------|
| Messrs. | Ecker, | Kennard, |
| Abbott, | Greene, | Pugh, |
| Annan, | Harwood, | Schley, |
| Audoun, | Hatch, | Schlosser, |

Barron,
Brooks,
Cushing,

Hebb,
Keefer,

Stirling,
Wooden—18.

NEGATIVE.

| | | |
|---------------------|------------------|-----------------|
| Messrs. | Henkle, | Mullikin, |
| Goldsborough, P't | Hodson, | Murray, |
| Baker, | Hoffman, | Negley, |
| Belt, | Hollyday, | Nyman, |
| Berry, of Balt. co. | Hopper, | Parker, |
| Bond, | Horsey, | Peter, |
| Brown, | Jones, of Cecil, | Purnell, |
| Carter, | Jones, of Som., | Ridgely, |
| Chambers, | King, | Russell, |
| Crawford, | Lansdale, | Smith, of Dor., |
| Cunningham, | Larsh, | Stockbridge, |
| Dail, | Lee, | Swope, |
| Daniel, | Marbury, | Sykes, |
| Davis, of Charles, | Markey, | Todd |
| Dent, | Mayhugh, | Turner, |
| Duvall, | McComas, | Valliant, |
| Farrow, | Mitchell, | Wickard, |
| Gale, | Miller, | Wilmer—55. |
| Galloway, | Morgan, | |

So the question upon its adoption was decided in the negative.

The question then being on the adoption of said amendment,

Mr. Berry, of Baltimore county, called the previous question,

The question being,

“Shall the main question be now put?”

It was decided in the affirmative.

The question again being on the adoption of the amendment submitted by Mr. Berry, of Baltimore county;

Mr. Stirling demanded the yeas and nays.

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|-------------------|-----------|-----------|
| Messrs. | Galloway, | Miller, |
| Goldsborough, P't | Henkle, | Morgan, |
| Baker, | Hodson, | Mullikin, |

| | | |
|---------------------|------------------|-----------------|
| Belt, | Hoffman, | Murray, |
| Berry, of Balt. co. | Hollyday, | Parker, |
| Bond, | Hopper, | Peter, |
| Brown, | Horsey, | Purnell, |
| Carter, | Jones, of Cecil, | Ridgely, |
| Chambers, | Jones, of Som., | Russell, |
| Crawford, | King, | Smith, of Dor., |
| Dail, | Lansdale, | Swope, |
| Daniel, | Larsh, | Sykes, |
| Davis, of Charles. | Lee, | Todd, |
| Dellinger, | Markey, | Turner, |
| Duvall, | Mayhugh, | Valliant, |
| Farrow, | McComas, | Wilmer—49. |
| Gale, | Mitchell, | |

NEGATIVE.

| | | |
|-------------|----------|--------------|
| Messrs. | Ecker, | Pugh, |
| Abbott, | Greene, | Schley, |
| Annan, | Harwood, | Schlosser, |
| Audoun, | Hatch, | Stirling, |
| Barron, | Hebb, | Stockbridge, |
| Brooks, | Keefer, | Thomas, |
| Cunningham, | Kennard, | Wickard, |
| Cushing, | Marbury, | Wooden—24. |
| Dent, | Negley, | |

So the question upon its adoption was decided in the affirmative.

The resolution as amended was then adopted.

The President announced the following Committee in accordance with the above order :

Messrs. Goldsborough, (Chairman,) Berry, of Baltimore county, Purnell, Negley, Todd, Smith, of Carroll, and Hopper.

Mr. Belt moved to re-consider the vote by which the order submitted by Mr. Ridgely and the amendment submitted by Mr. Lee on yesterday, in reference to increasing the per diem of the President, and instructing the Committee on Accounts to re-adjust the mileage of the members ;

The question being on the adoption of the motion;

Mr. Stockbridge demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|---------------------|------------------|-----------------|
| Messrs. | Duvall, | Mayhugh, |
| Abbott, | Gale, | Miller, |
| Audoun, | Hatch, | Morgan, |
| Barron, | Henkle, | Negley, |
| Belt, | Hodson, | Peter, |
| Berry of Balt. co., | Hollyday, | Ridgely, |
| Bond, | Jones, of Cecil, | Smith, of Dor., |
| Brooks, | Jones, of Som., | Swope, |
| Carter, | King, | Sykes, |
| Chambers, | Lansdale, | Turner, |
| Crawford, | Larsh, | Wickard, |
| Dail, | Lee, | Wilmer, |
| Dellinger, | Marbury, | Wooden—39. |
| Dent, | | |

NEGATIVE.

| | | |
|--------------------|-----------|--------------|
| Messrs. | Harwood, | Parker, |
| Annan, | Hebb, | Pugh, |
| Baker, | Hoffman, | Purnell, |
| Cunningham, | Horsey, | Russell, |
| Cushing, | Keefer, | Schley, |
| Daniel, | Kennard, | Schlosser, |
| Davis, of Charles, | Markey, | Scott, |
| Ecker, | McComas, | Stirling, |
| Farrow, | Mitchell, | Stockbridge, |
| Greene, | Mullikin, | Thomas—29. |

So the question upon its adoption was decided in the affirmative.

The time having arrived for taking up the Order of the Day ;

Mr. Miller moved to postpone the Order of the Day for half-an-hour ;

The question being on the adoption of the motion,

Mr. Stockbridge demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|---------|---------|----------|
| Messrs. | Dent, | Markey, |
| Abbott, | Duvall, | Mayhugh, |
| Audoun, | Gale, | Miller, |
| Barron, | Hatch, | Morgan, |

| | | |
|---------------------|------------------|-----------------|
| Belt, | Henkle, | Negley, |
| Berry, of Balt. co. | Hodson, | Ridgely, |
| Bond, | Hollyday, | Schlosser, |
| Brooks, | Horsey, | Smith, of Dor., |
| Carter, | Jones, of Cecil, | Swope, |
| Crawford, | Jones, of Som., | Sykes, |
| Cunningham, | Lansdale, | Turner, |
| Dail, | Larsh, | Wickard, |
| Davis, of Charles, | Lee, | Wilmer, |
| Dellinger, | Marbury, | Wooden—41. |

NEGATIVE.

| | | |
|----------|-----------|-----------------|
| Messrs. | Hebb, | Pugh, |
| Annan, | Hoffman, | Purnell, |
| Baker, | Keefer, | Russell, |
| Daniel, | Kennard, | Schley, |
| Ecker, | McComas, | Scott, |
| Farrow, | Mullikin, | Stirling, |
| Greene, | Parker, | Stockbridge—21. |
| Harwood, | | |

So the question upon its adoption was decided in the affirmative.

Mr. Gale called the previous question,

The question then being,

“Shall the main question be now put?”

It was decided in the affirmative.

The question next being on the adoption of the amendment submitted by Mr. Lee ;

Mr. Stockbridge demanded the yeas and nays ;

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|---------------------|------------------|-----------------|
| Messrs. | Duvall, | Mayhugh, |
| Abbott, | Gale, | Miller, |
| Audoun, | Hatch, | Morgan, |
| Barron, | Henkle, | Negley, |
| Belt, | Hodson, | Peter, |
| Berry, of Balt. co. | Hollyday, | Ridgely, |
| Bond, | Jones, of Cecil, | Smith, of Dor., |
| Brooks, | Jones, of Som., | Swope, |
| Carter, | King, | Sykes, |

Crawford,
Dail,
Dellinger,
Dent,

Lansdale,
Larsh,
Lee,
Marbury,

Turner,
Wickard,
Wilmer,
Wooden—38.

NEGATIVE.

Messrs.
Annan,
Baker,
Cunningham,
Cushing,
Daniel,
Davis, of Charles,
Davis, of Wash.,
Ecker,
Farrow,
Galloway,
Greene,

Harwood,
Hebb,
Hoffman,
Horsey,
Keefer,
Kennard,
Markey,
McComas,
Mitchell,
Mullikin,
Nyman,

Parker,
Pugh,
Purnell,
Russell,
Schley,
Schlosser,
Scott,
Sneary,
Stirling,
Stockbridge,
Thomas—33.

So the question upon its adoption was decided in the affirmative.

The question recurring upon the adoption of the order submitted by Mr. Ridgely, as amended ;

Mr. Schley demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

Messrs.
Abbott,
Audoun,
Barron,
Belt,
Berry, of Balt. co.
Bond,
Brooks,
Brown,
Carter,
Crawford,
Dail,
Dellinger,
Dent,

Duvall,
Gale,
Hatch,
Henkle,
Hodson,
Hollyday,
Jones, of Cecil,
Jones, of Som.,
King,
Lansdale,
Larsh,
Lee,
Marbury,

Mayhugh,
Miller,
Morgan,
Negley,
Peter,
Ridgely,
Smith, of Dor.,
Swope,
Sykes,
Turner,
Wickard,
Wilmer,
Wooden—39.

NEGATIVE.

Messrs.
Annan,

Harwood,
Hebb,

Parker,
Pugh,

| | | |
|--------------------|-----------|--------------|
| Baker, | Hoffman, | Purnell, |
| Cunningham, | Horsey, | Russell, |
| Cushing, | Keefer, | Schley, |
| Daniel, | Kennard, | Schlosser, |
| Davis, of Charles, | Markey, | Scott, |
| Davis, of Wash., | McComas, | Sneary, |
| Earle, | Mitchell, | Stirling, |
| Ecker, | Mullikin, | Stockbridge, |
| Galloway, | Murray, | Thomas—34. |
| Greene, | Nyman, | |

So the question upon its adoption was decided in the affirmative.

Mr. Schley submitted an order which he moved be entered on the Journal.

Decided in the negative.

Mr. Audoun submitted the following order:

Ordered, That before any person shall receive the benefits to be derived from the resolutions offered by the gentleman from Baltimore county, Mr. Berry, (namely, providing for the General Assembly to receive such moneys as the Government may think proper to appropriate to loyal owners of slaves in this State,) the persons so claiming shall take and subscribe to the oath as prescribed in this Constitution in the article on the Elective Franchise.

Pending the consideration of which,

The time again arriving for taking up the Order of the Day.

On motion of Mr. Galloway.

It was further postponed until 12 o'clock.

Mr. Negley moved to take up the order adopted on Tuesday and re-amended yesterday, in reference to the publication of the Constitution.

Decided in the affirmative.

Mr. Negley moved to strike out the word "sixty," before the word "thousand," and insert the word "twenty;"

Decided in the negative.

Mr. Negley submitted the following amendment:

Amend said order by substituting the following:

Ordered, That the Committee on Publishing be directed to

have the Constitution published in one or more newspapers in each county and the city of Baltimore, once a week for three successive weeks before the day of its ratification or rejection ; provided, it can be done at a cost of not more than 75 dollars to each paper in which it is published.

Pending the consideration of which,

The hour again arrived for taking up the Order of the Day,

Mr. Abbott moved a call of the Convention ;

The call being sustained,

The roll was called, and the following members responded:

Messrs. Goldsborough, (President,) Abbott, Annon, Baker, Barron, Berry, of Baltimore county, Bond, Brown, Carter, Cunningham, Dail, Daniel, Davis, of Charles, Duvall, Earl, Ecker, Farrow, Galloway, Greene, Hatch, Hebb, Hodson, Hoffman, Hopper, Horsey, Jones, of Cecil, Keefer, Kennard, King, Lansdale, Larsh, Lee, Marbury, Markey, Mayhugh, McComas, Mitchell, Miller, Morgan, Mullikin, Murray, Negley, Parker, Pugh, Purnell, Russell, Schlosser, Scott, Smith, of Dorchester, Sneary, Stirling, Stockbridge, Swope, Sykes, Thomas, Valliant, Wickard, Wilmer, Wooden—58.

On motion of Mr. Pugh,

Further proceedings under the call were dispensed with.

Mr. Negley moved to further postpone the consideration of the Order of the Day.

Decided in the affirmative.

The question then being on the adoption of the order submitted by Mr. Negley ;

It was decided in the affirmative.

The Order of the Day was then taken up.

Mr. Earle, Chairman of the Committee on Revision and Engrossment, submitted the following engrossed copy of the Declaration of Rights and Constitution :

DECLARATION OF RIGHTS.

WE, the people of the State of Maryland, grateful to Almighty God for our civil and religious liberty, and taking into our serious consideration the best means of establishing a good Constitution in this State for the sure foundation and more permanent security thereof, declare:

ARTICLE 1. That we hold it to be self evident, that all men are created equally free, that they are endowed by their Creator with certain unalienable rights, among which are life, liberty, the enjoyment of the proceeds of their own labor, and the pursuit of happiness.

Art. 2. That all government of right originates from the people, is founded in compact only, and instituted solely for the good of the whole; and they have at all times the unalienable right to alter, reform, or abolish their form of Government in such manner as they may deem expedient.

Art. 3. That the people of this State ought to have the sole and exclusive right of regulating the internal government and police thereof.

Art. 4. That the inhabitants of Maryland are entitled to the common law of England, and the trial by jury according to the course of that law, and to the benefit of such of the English Statutes as existed on the fourth day of July, seventeen hundred and seventy-six, and which, by experience have been found applicable to their local and other circumstances, and have been introduced, used and practiced by the Courts of Law or Equity, and also of all acts of Assembly in force on the first day of June eighteen hundred and sixty-four, except such as may have since expired, or may be inconsistent with the provisions of this Constitution, subject nevertheless to the revision of, and amendment or repeal by the Legislature of this State; and the inhabitants of Maryland are also entitled to all property derived to them from or under the charter granted by his Majesty, Charles the First, to Cecilius Calvert, Baron of Baltimore.

Art. 5. The Constitution of the United States, and the laws made in pursuance thereof, being the supreme law of the land, every citizen of this State owes paramount allegiance to the Constitution and Government of the United States, and is not bound by any law or ordinance of this State in contravention or subversion thereof.

Art. 6. That all persons invested with the Legislative or Executive powers of government are the Trustees of the pub-

lic, and as such, accountable for their conduct; wherefore, whenever the ends of government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual, the people may, and of right ought to reform the old or establish a new government. The doctrine of non-resistance against arbitrary power and oppression is absurd, slavish and destructive of the good and happiness of mankind.

Art. 7. That the right of the people to participate in the Legislature is the best security of liberty, and the foundation of all free government; for this purpose elections ought to be free and frequent, and every free white male citizen having the qualifications prescribed by the Constitution, ought to have the right of suffrage.

Art. 8. That the Legislative, Executive and Judicial powers of government ought to be forever separate and distinct from each other, and no person exercising the functions of one of said departments shall assume or discharge the duties of any other.

Art. 9. That no power of suspending laws or the execution of laws, unless by or derived from the Legislature, ought to be exercised or allowed.

Art. 10. That freedom of speech and debate, or proceedings in the Legislature, ought not to be impeached in any Court of Judicature.

Art. 11. That Annapolis be the place for the meeting of the Legislature, and the Legislature ought not be convened or held at any other place but from evident necessity.

Art. 12. That, for the redress of grievances, and for amending, strengthening and preserving the laws, the Legislature ought to be frequently convened.

Art. 13. That every man hath a right to petition the Legislature for the redress of grievances, in a peaceable and orderly manner.

Art. 14. That no aid, charge, tax, burthen or fees, ought to be rated or levied under any pretence, without the consent of the Legislature.

Art. 15. That the levying of taxes by the poll is grievous and oppressive, and ought to be prohibited; that paupers ought not to be assessed for the support of the Government, but every other person in the State or person holding property therein, ought to contribute his proportion of public taxes, for the support of Government, according to his actual worth

in real or personal property ; yet fines, duties or taxes may properly and justly be imposed or laid, with a political view, for the good government and benefit of the community.

Art. 16. That sanguinary laws ought to be avoided as far as it is consistent with the safety of the State ; and no law to inflict cruel and unusual pains and penalties ought to be made in any case or at any time hereafter.

Art. 17. That retrospective laws, punishing acts committed before the existence of such laws, and by them only declared criminal are oppressive, unjust and incompatible with liberty ; *wherefore*, no *ex post facto* law ought to be made.

Art. 18. That no law to attain particular persons of treason or felony ought to be made in any case, or at any time, hereafter.

Art. 19. That every man, for any injury done to him in his person or property, ought to have remedy by the course of the law of the land, and ought to have justice and right, freely without sale, fully without any denial, and speedily without delay, according to the law of the land.

Art. 20. That the trial of facts where they arise, is one of the greatest securities of the lives, liberties, and estate of the people.

Art. 21. That in all criminal prosecutions, every man hath a right to be informed of the accusation against him ; to have a copy of the indictment or charge, in due time (if required) to prepare for his defence ; to be allowed counsel ; to be confronted with the witnesses against him ; to have process for his witnesses, to examine the witnesses for and against him on oath, and to a speedy trial by an impartial jury, without whose unanimous consent he ought not to be found guilty.

Art. 22. That no man ought to be compelled to give evidence against himself in a criminal case.

Art. 23. That no man ought to be taken or imprisoned, or dis seized of his freehold, liberties or privileges, or outlawed, or exiled, or in any manner destroyed, or deprived of his life, liberty or property, but by the judgment of his peers, or by the law of the land.

Art. 24. That hereafter, in this State, there shall be neither slavery nor involuntary servitude, except in punishment of crime, whereof the party shall have been duly convicted : and all persons held to service or labor as slaves are hereby declared free.

Art. 25. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted by the Courts of Law.

Art. 26. That all warrants, without oath, or affirmation, to search suspected places, or to seize any person or property, are grievous and oppressive; and all general warrants to search suspected places, or to apprehend suspected persons, without naming or describing the place, or the person in special, are illegal, and ought not to be granted.

Art. 27. That no conviction shall work corruption of blood, nor shall there be any forfeiture of the estate of any person for any crime, except treason, and then only on conviction.

Art. 28. That a well regulated militia is the proper and natural defence of a free government.

Art. 29. That standing armies are dangerous to liberty, and ought not to be raised or kept up without the consent of the Legislature.

Art. 30. That in all cases and at all times the military ought to be under strict subordination to and control of the civil power.

Art. 31. That no soldier shall in time of peace be quartered in any house without the consent of the owner, nor in time of war, except in the manner prescribed by law.

Art. 32. That no person, except regular soldiers, mariners, and marines, in the service of this State, or militia when in actual service, ought in any case to be subject to, or punishable by, martial law.

Art. 33. That the independency and uprightness of Judges are essential to the impartial administration of justice, and a great security to the rights and liberties of the people; wherefore the Judges shall not be removed, except for misbehavior, on conviction in a Court of Law, or by the Governor, upon the address of the General Assembly; *provided*, that two-thirds of all the members of each House concur in such address. No Judge shall hold any other office, civil or military, or political trust or employment of any kind whatsoever, under the Constitution or Laws of this State, or of the United States, or any of them, or receive fees or perquisites of any kind for the discharge of his official duties.

Art. 34. That a long continuance in the Executive Departments of power or trust, is dangerous to liberty; a rotation, therefore, in those departments is one of the best securities of permanent freedom.

Art. 35. That no person ought to hold, at the same time, more than one office of profit, created by the Constitution or Laws of this State, nor ought any person in public trust to receive any present from any Foreign Prince or State, or from the United States, or any of them, without the approbation of this State.

Art. 36. That as it is the duty of every man to worship God in such manner as he thinks most acceptable to Him, all persons are equally entitled to protection in their religious liberty; wherefore no person ought, by any law, to be molested in his person or estate on account of his religious persuasion or profession, or for his religious practice, unless under the color of religion any man shall disturb the good order, peace or safety of the State, or shall infringe the laws of morality, or injure others in their natural, civil or religious rights, nor ought any person to be compelled to frequent or maintain, or contribute, unless on contract, to maintain any place of worship or any ministry; nor shall any person be deemed incompetent as a witness or juror, who believes in the existence of God, and that under his dispensation such person will be held morally accountable for his acts, and be rewarded or punished therefor, either in this world or the world to come.

Art. 37. That no other test or qualification ought to be required, on admission to any office of trust or profit, than such oath of allegiance and fidelity to this State, and the United States, as may be prescribed by this Constitution; and such oath of office and qualification as may be prescribed by this Constitution, or by the laws of the State, and a declaration of belief in the Christian religion, or in the existence of God, and in a future state of rewards and punishments.

Art. 38. That every gift, sale or devise of land to any minister, public teacher or preacher of the Gospel, as such, or to any religious sect, order or denomination, or for the support, use or benefit of, or in trust for any minister, public teacher or preacher of the Gospel, as such, or any religious sect, order or denomination, and every gift or sale of goods or chattels, to go in succession or to take place after the death of the seller or donor, to or for such support, use or benefit, and also every devise of goods or chattels to or for the support, use or benefit of any minister, public teacher or preacher of the Gospel, as such, or any religious sect, order or denomination, without the prior or subsequent sanction of the Legislature, shall be void; except, always, any sale, gift, lease or devise of any quantity of land not exceeding five acres, for a church, meeting house, or other house of worship, or parson-

age, or for a burying ground, which shall be improved, enjoyed or used only for such purpose ; or such sale, gift, lease or devise shall be void.

Art. 39. That the manner of administering an oath or affirmation to any person, ought to be such as those of the religious persuasion, profession or denomination of which he is a member generally esteem the most effectual confirmation by the attestation of the Divine Being.

Art. 40. That the liberty of the press ought to be inviolably preserved ; that every citizen of the State ought to be allowed to speak, write and publish his sentiments on all subjects, being responsible for the abuse of that liberty.

Art. 41. That monopolies are odious, contrary to the spirit of a free government, and the principles of commerce, and ought not to be suffered.

Art. 42. That no title of nobility or hereditary honors ought to be granted in this State.

Art. 43. That the Legislature ought to encourage the diffusion of knowledge and virtue, the extension of a judicious system of general education, the promotion of literature, the arts, science, agriculture, commerce and manufactures, and the general melioration of the condition of the people.

Art. 44. This enumeration of rights shall not be construed to impair or deny others retained by the people.

Art. 45. That the Legislature shall pass no laws providing for an alteration, change or abolishment of this Constitution, except in the manner therein prescribed and directed.

THE CONSTITUTION.

ARTICLE I.

ELECTIVE FRANCHISE.

SECTION 1. All elections shall be by ballot, and every white male citizen of the United States, of the age of twenty-one years or upwards, who shall have resided in the State one year next preceding the election, and six months in any county or in any legislative district of Baltimore city, and who shall comply with the provisions of this article of the Constitution, shall be entitled to vote at all elections hereafter held in this State ; and in case any county or city shall be so divided as to form portions of different electoral districts for the election of Congressman, Senator, Delegate, or other officer

or officers, then to entitle a person to vote for such officer, he must have been a resident of that part of the county or city which shall form a part of the electoral district in which he offers to vote, for six months next preceding the election; but a person who shall have acquired a residence in such county or city, entitling him to vote at any such election, shall be entitled to vote in the election district from which he removed until he shall have acquired a residence in the part of the county or city to which he has removed.

Sec. 2. The General Assembly shall provide by law for a uniform registration of the names of voters in this State, which registration shall be evidence of the qualification of said voters to vote at any election thereafter held; but no person shall be excluded from voting at any election on account of not being registered, until the General Assembly shall have passed an act of registration, and the same shall have been carried into effect, after which no person shall vote unless his name appears on the register. The General Assembly shall also provide by law for taking the votes of soldiers in the army of the United States, serving in the field.

Sec. 3. No person above the age of twenty-one years, convicted of larceny or other infamous crime, unless pardoned by the Governor, shall ever thereafter be entitled to vote at any election in this State, and no lunatic or person non compos mentis shall be entitled to vote.

Sec. 4. No person who has at any time been in armed hostility to the United States or the lawful authorities thereof, or who has been in any manner in the service of the so-called "Confederate States of America," and no person who has voluntarily left this State and gone within the military lines of the so-called Confederate States or armies with the purpose of adhering to said States or armies, and no person who has given any aid, comfort, countenance or support to those engaged in armed hostility to the United States, or in any manner adhered to the enemies of the United States, either by contributing to the enemies of the United States, or unlawfully sending within the lines of such enemies, money or goods, or letters, or information, or who has disloyally held communication with the enemies of the United States, or who has advised any person to enter the service of the said enemies, or aided any person so to enter, or who has by any open deed or word declared his adhesion to the cause of the enemies of the United States, or his desire for the triumph of said enemies over the arms of the United States, shall ever be entitled to vote at any election to be held in this State, or to hold any office of honor,

profit or trust under the laws of this State, unless since such unlawful acts he shall have voluntarily entered into military service of the United States, and been honorably discharged therefrom, or be on the day of election actually and voluntarily in such service, or unless he shall be restored to his full rights of citizenship by an act of the General Assembly passed by a vote of two thirds of all the members elected to each House; and it shall be the duty of all officers of Registration and Judges of election carefully to exclude from voting or being registered all persons so as above disqualified; and the Judges of election at the first election held under this Constitution shall and at any subsequent election may administer to any person offering to vote the following oath or affirmation: I do swear or affirm that I am a citizen of the United States, that I have never given any aid, countenance or support to those in armed hostility to the United States, that I have never expressed a desire for the triumph of said enemies over the arms of the United States, and that I will bear true faith and allegiance to the United States and support the Constitution and laws thereof as the supreme law of the land any law or ordinance of any State to the contrary notwithstanding, that I will in all respects demean myself as a loyal citizen of the United States, and I make this oath or affirmation without any reservation or evasion; and believe it to be binding on me, and any person declining to take such oath shall not be allowed to vote, but the taking of such oath shall not be deemed conclusive evidence of the right of such person to vote; and any person swearing or affirming falsely shall be liable to penalties of perjury; and it shall be the duty of the proper officers of Registration to allow no person to be registered until he shall have taken the oath or affirmation above set out, and it shall be the duty of the Judges of election in all their returns of the first election held under this Constitution, to state in their said returns that every person who has voted has taken such oath or affirmation. But the provisions of this section, in relation to acts against the United States, shall not apply to any person not a citizen of the United States, who shall have committed such acts while in the service of some foreign country, at war against the United States, and who has, since such acts, been naturalized or may be naturalized under the Laws of the United States, and the oath above set forth shall be taken in the case of such persons in such sense.

Sec. 5. If any person shall give or offer to give directly or indirectly, or hath given or offered to give since the fourth day of July, eighteen hundred and fifty-one, any bribe, present, or reward, or any promise or any security for the payment, or delivery of money or any other thing to induce any

voter to refrain from casting his vote or forcibly to prevent him in any way from voting, or to procure a vote for any candidate or person, proposed or voted for as elector of President and Vice President of the United States, or Representative in Congress, or for any office of profit or trust created by the Constitution or Laws of this State, or by the ordinances or authority of the Mayor and City Council of Baltimore, the person giving or offering to give, and the person receiving the same, and any person who gives or causes to be given an illegal vote knowing it to be such at any election to be hereafter held in this State, or who shall be guilty of, or accessory to any fraud, force, surprise, or bribery to procure himself or any other person to be nominated to any office, national, State or municipal, shall on conviction in a Court of Law, in addition to the penalties now or hereafter to be imposed by law, be forever disqualified to hold any office of profit or trust or to vote at any election thereafter.

Sec. 6. It shall be the duty of the General Assembly to pass laws to punish, with fine and imprisonment, any person who shall remove into any election district, or precinct of any ward of the city of Baltimore, not for the purpose of acquiring a bona-fide residence therein, but for the purpose of voting at an approaching election, or who shall vote in any election district, or ward in which he does not reside, (except in the case provided for in this article,) or shall at the same election vote in more than one election district, or precinct, or shall vote, or offer to vote in any name not his own, or in place of any other person of the same name, or shall vote in any county in which he does not reside.

Sec. 7. Every person elected or appointed to any office of trust or profit under this Constitution, or under the laws made pursuant thereto, before he shall enter upon the duties of such office, shall take and subscribe the following oath, or affirmation: I ——— do swear, (or affirm, as the case may be,) that I will, to the best of my skill and judgment, dilligently and faithfully, without partiality or prejudice, execute the office of ——— according to the Constitution and Laws of this State, and that since the fourth day of July, in the year eighteen hundred and fifty-one, I have not in any manner violated the provisions of the present, or of the late Constitution, in relation to the bribery of voters, or preventing legal votes, or procuring illegal votes to be given, (and if a Governor, Senator, Member of the House of Delegates, or Judge,) that I will not directly or indirectly receive the profits or any part of the profits of any other office during the term of my acting as ———; I do further swear or affirm that I will bear true alle-

giance to the State of Maryland, and support the Constitution and Laws thereof, and that I will bear true allegiance to the United States, and support, protect and defend the Constitution, Laws and Government thereof, as the supreme law of the land, any law or ordinance of this or any State to the contrary notwithstanding; that I have never directly or indirectly by word, act or deed, given any aid, comfort or encouragement to those in rebellion against the United States or the lawful authorities thereof, but that I have been truly, and loyally on the side of the United States against those in armed rebellion against the United States; and I do further swear or affirm, that I will, to the best of my abilities, protect and defend the Union of the United States, and not allow the same to be broken up and dissolved, or the Government thereof to be destroyed under any circumstances, if in my power to prevent it, and that I will at all times discountenance and oppose all political combinations having for their object such dissolution or destruction.

Sec. 8. Every person holding any office of trust or profit under the late Constitution, or under any law of this State, and who shall be continued in office under this Constitution, or under any law of the State, shall within thirty days after this Constitution shall have gone into effect, take and subscribe the oath or affirmation set forth in the seventh section of this article, and if any such person shall fail to take said oath his office shall be ipso facto vacant. And every person hereafter elected or appointed to office in this State, who shall refuse or neglect to take the oath, or affirmation of office provided for in the said seventh section of this article, shall be considered as having refused to accept the said office, and a new election or appointment shall be made as in case of refusal to accept, or resignation of an office. And any person swearing, or affirming falsely in the premises, shall on conviction thereof in a Court of Law, incur the penalties for willful and corrupt perjury, and thereafter shall be incapable of holding any office of profit or trust in this State.

ARTICLE II.

EXECUTIVE DEPARTMENT.

SECTION 1. The Executive power of the State shall be vested in a Governor whose term of office shall commence on the second Wednesday of January next ensuing his election and continue for four years, and until his successor shall have qualified; but the Governor chosen at the first election under this Constitution, shall not enter upon the discharge of the duties of the office until the expiration of the term for which the pre-

sent incumbent was elected, unless the said office shall become vacant by death, resignation, removal from the State, or other disqualification of the said incumbent.

Sec. 2. An election for Governor under this Constitution, shall be held on the Tuesday next after the first Monday of November, in the year eighteen hundred and sixty-four, and on the same day and month in every fourth year thereafter, at the places of voting for Delegates to the General Assembly, and every person qualified to vote for Delegates shall be qualified and entitled to vote for Governor; the election to be held in the same manner as the election of Delegates, and the returns thereof, under seal, to be addressed to the Speaker of the House of Delegates, and enclosed and transmitted to the Secretary of State, and delivered to the said Speaker, at the commencement of the session of the General Assembly next ensuing said election.

Sec. 3. The Speaker of the House of Delegates shall then open the said returns in the presence of both Houses, and the person having the highest number of votes, and being Constitutionally eligible, shall be the Governor, and shall qualify in the manner herein prescribed, on the second Wednesday of January next ensuing his election, or as soon thereafter as may be practicable.

Sec. 4. If two or more persons shall have the highest and an equal number of votes, one of them shall be chosen Governor by the Senate and House of Delegates; and all questions in relation to the eligibility of Governor, and to the returns of said election, and to the number and legality of votes therein given, shall be determined by the House of Delegates. And if the person or persons, having the highest number of votes be ineligible, the Governor shall be chosen by the Senate and House of Delegates. Every election of Governor by the General Assembly, shall be determined by a joint majority of the Senate and House of Delegates, and the vote shall be taken viva voce. But if two or more persons shall have the highest and an equal number of votes, then a second vote shall be taken, which shall be confined to the persons having an equal number; and if the votes should be again equal, then the election of Governor shall be determined by lot between those who shall have the highest and an equal number on the first vote.

Sec. 5. A person to be eligible to the office of Governor, must have attained the age of thirty years, and must have been for five years a citizen of the United States, and for five years next preceding his election a resident of the State.

Sec. 6. A Lieutenant Governor shall be chosen, at every regular election for Governor, he shall continue in office for the same time, shall be elected in the same manner, and shall possess the same qualifications as the Governor. In voting for Governor and Lieutenant Governor the electors shall state for whom they vote as Governor, and for whom as Lieutenant Governor.

Sec. 7. The Lieutenant Governor shall by virtue of his office, be President of the Senate, and whenever the Senate are equally divided, shall have the right to give the casting vote.

Sec. 8. In case of the death, resignation, removal from the State, or other disqualification of the Governor, the powers, duties and emoluments of the office shall devolve upon the Lieutenant Governor; and in case of his death, resignation, or removal, or other disqualification, then upon the President of the Senate for the time being—until the disqualification or inability shall cease, or until a new Governor shall be elected and qualified, and for any vacancy in said office not herein provided for, provision may be made by law, and if such vacancy should occur without such provision being made, the General Assembly shall be convened by the Secretary of State for the purpose of filling said vacancy.

Sec. 9. Whenever the office of Governor shall be administered by the Lieutenant Governor, or he shall be unable to attend as President of the Senate, the Senate shall elect one of its own members as President pro tempore.

Sec. 10. The Lieutenant Governor, while he acts as President of the Senate, shall receive for his services the same compensation which shall, for the same period, be allowed to the Speaker of the House of Delegates, and no more.

Sec. 11. The Governor shall be Commander-in-Chief of the land and naval forces of the State, and may call out the militia to repel invasions, suppress insurrections, and enforce the execution of the laws; but shall not take the command in person without the consent of the General Assembly.

Sec. 12. He shall take care that the laws be faithfully executed.

Sec. 13. He shall nominate, and by and with the advice and consent of the Senate, appoint all civil and military officers of the State, whose appointment or election is not otherwise herein provided for, unless a different mode of appointment be prescribed by the law creating the office.

Sec. 14. In case of vacancy during the recess of the Senate, in any office which the Governor has power to fill, he shall appoint some suitable person to said office, whose commission shall continue in force till the end of the next session of the General Assembly or till some other person is appointed to the same office, whichever shall first occur, and the nomination of the person thus appointed during the recess, or of some other person in his place, shall be made to the Senate within thirty days after the next meeting of the General Assembly.

Sec. 15. No person after being rejected by the Senate, shall be again nominated for the same office, at the same session, unless at the request of the Senate; or be appointed to the same office during the recess of the General Assembly.

Sec. 16. All civil officers appointed by the Governor and Senate, shall be nominated to the Senate within fifty days from the commencement of each regular session of the General Assembly, and their term of office (except in cases otherwise provided for in this Constitution) shall commence on the first Monday of May next ensuing their appointment, and continue for two years, (unless sooner removed from office,) and until their successors respectively qualify according to law.

Sec. 17. The Governor may suspend or arrest any military officer of the State, for disobedience of orders, or other military offence, and may remove him in pursuance of the sentence of a court martial; and may remove for incompetency or misconduct all civil officers who received appointments from the Executive for a term not exceeding two years.

Sec. 18. The Governor may convene the General Assembly, or the Senate alone, on extraordinary occasions; and whenever, from the presence of an enemy or from any other cause, the seat of Government shall become an unsafe place for the meeting of the General Assembly, he may direct their sessions to be held at some other convenient place.

Sec. 19. It shall be the duty of the Governor semi-annually, and oftener if he deem it expedient, to examine the bank book, account books, and official proceedings of the Treasurer and Comptroller of the State.

Sec. 20. He shall from time to time inform the General Assembly of the condition of the State and recommend to their consideration such measures as he may judge necessary and expedient.

Sec. 21. He shall have power to grant reprieves and par-

dous, except in cases of impeachment, and in cases in which he is prohibited by other articles of this Constitution, and to remit fines and forfeitures for offences against the State; but shall not remit the principal or interest of any debt due to the State, except in cases of fines and forfeitures; and before granting a nolle prosequi, or pardon, he shall give notice in one or more newspapers of the application made for it, and of the day on or after which his decision will be given; and in every case in which he exercises this power, he shall report to either branch of the General Assembly whenever required, the petitions, recommendations, and reasons which influence his decision.

Sec. 22. The Governor shall reside at the seat of Government, and shall receive for his services an annual salary of four thousand dollars.

Sec. 23. A Secretary of State shall be appointed by the Governor, by and with the advice and consent of the Senate, who shall continue in office, unless sooner removed by the Governor, till the end of the official term of the Governor from whom he received his appointment, and shall receive an annual salary of one thousand dollars.

Sec. 24. The Secretary of State shall carefully keep and preserve a record of all official acts and proceedings, which may at all times be inspected by a committee of either branch of the General Assembly, and shall perform such other duties as are now or may hereafter be prescribed by law, or as may properly belong to his office.

ARTICLE III.

LEGISLATIVE DEPARTMENT.

SECTION 1. The Legislature shall consist of two distinct branches, a Senate and a House of Delegates, which shall be styled "The General Assembly of Maryland."

Sec. 2. Immediately after the adoption of this Constitution, and before there shall have been held any general election under it, the Mayor and City Council of Baltimore shall proceed to lay off and divide the said city into three several districts, of equal population and contiguous territory, as near as may be, which said districts shall be called the first, second and third Legislative districts of Baltimore city.

Sec. 3. Every county in the State, and each Legislative district of Baltimore city, as herein before provided for, shall be entitled to one Senator, who shall be elected by the qualified voters of the counties and of the Legislative districts of

Baltimore city, respectively, and shall serve for four years from the date of his election, subject to the classification of Senators hereinafter provided for.

Sec. 4. The white population of the State shall constitute the basis of representation in the House of Delegates, and the apportionment of the Delegates among the several counties and Legislative districts of the city of Baltimore shall be as follows:—For every five thousand persons, or a fractional part thereof above one half, one Delegate shall be chosen, until the number of Delegates in each county and Legislative district of the city of Baltimore shall reach five. Above that number, one Delegate shall be chosen for the next twenty thousand persons, or a fractional portion over one half thereof, in each county and Legislative district of the city of Baltimore; above that number, each county and Legislative district of the said city shall elect one Delegate for every eighty thousand persons, or fractional portion thereof, above one-half. Upon this principle, and as soon as practicable after each National census, or State enumeration of inhabitants, the General Assembly shall apportion the members of the House of Delegates among the several counties and the several Legislative districts of Baltimore city according to the white population of each. But until such apportionment is made, the House of Delegates shall consist of eighty members, distributed as follows: Allegany five members; Anne Arundel two; each of the three Legislative districts in Baltimore city six; Baltimore county six; Calvert one; Caroline two; Carroll five; Cecil four; Charles one; Dorchester two; Frederick six; Harford four; Howard two; Kent two; Montgomery two; Prince George's two; Queen Anne's two; St. Mary's one; Somerset three; Talbot two; Washington five; Worcester three.

Sec. 5. The members of the House of Delegates shall be elected by the qualified voters of the counties and the Legislative districts of Baltimore city, respectively, to serve for two years from the day of their election.

Sec. 6. The first election for Senators and Delegates, shall take place on Tuesday next after the first Monday in the month of November, eighteen hundred and sixty four; and the elections for Delegates, and as nearly as practicable, for one-half of the Senators, shall be held on the same same day in every second year thereafter.

Sec. 7. Immediately after the Senate shall have convened after the first election under this Constitution, the Senators shall be divided by lot into two classes, as nearly equal in number as may be; Senators of the first class shall go out of

office at the expiration of two years, and Senators shall be elected on the Tuesday next after the first Monday in the month of November, eighteen hundred and sixty-six, for the term of four years, to supply their places ; so that, after the first election, one-half of the Senators may be chosen every second year. In case the number of Senators be hereinafter increased, such classification of the additional Senators shall be made as to preserve, as nearly as may be, an equal number in each class.

Sec. 8. No person shall be eligible as a Senator or Delegate who at the time of his election, is not a citizen of the United States, and who has not resided at least three years next preceding the day of his election in this State, and the last year thereof in the county or in the legislative district of Baltimore city which he may be chosen to represent, if such county or legislative district of said city shall have been so long established, and if not, then in the county or city from which in whole or in part, the same may have been formed; nor shall any person be eligible as a Senator unless he shall have attained the age of twenty-five years, nor as a Delegate unless he shall have attained the age of twenty-one years, at the time of his election.

Sec. 9. No member of Congress or person holding any civil or military office under the United States, shall be eligible as a Senator or Delegate; and if any person shall, after his election as a Senator or Delegate, be elected to Congress, or be appointed to any office, civil or military, under the Government of the United States, his acceptance thereof shall vacate his seat.

Sec. 10. No person holding any civil office of profit or trust under this State, except Justices of the Peace, shall be eligible to the office of Senator or Delegate.

Sec. 11. No collector, receiver or holder of public moneys shall be eligible as Senator or Delegate or to any office of profit or trust under this State, until he shall have accounted for and paid into the Treasury, all sums on the books thereof changed to and due by him.

Sec. 12. In case of death, disqualification, resignation, refusal to act, expulsion, or removal from the county or legislative district of Baltimore city, for which he shall have been elected, of any person who shall have been chosen as a Delegate or Senator, or in case of a tie between two or more such qualified persons, a warrant of election shall be issued by the Speaker of the House of Delegates or President of the Senate, as the case may be, for the election of another person

in his place, of which election not less than ten days notice shall be given, exclusive of the day of the publication of the notice and of the day of election; and in case of such resignation or refusal to act, being communicated in writing to the Governor, by the person so resigning or refusing to act, or if such death occur during the Legislative recess, and more than ten days before its termination, it shall be the duty of the Governor to issue a warrant of election to supply the vacancy thus created, in the same manner the said Speaker or President might have done during the session of the General assembly; *provided, however*, that unless a meeting of the General Assembly may intervene, the election thus ordered to fill such vacancy shall be held on the day of the ensuing election for Delegates and Senators.

Sec. 13. The General Assembly shall meet on the first Wednesday of January, eighteen hundred and sixty-five, and on the same day in every second year thereafter, and at no other time, unless convened by the proclamation of the Governor.

Sec. 14. The General Assembly shall continue its session so long as in its judgment the public interest may require, and each member thereof shall receive a compensation of five dollars per diem, for every day he shall attend the sessions, unless absent on account of sickness; *provided, however*, that no member shall receive any other or larger sum than four hundred dollars. When the General Assembly shall be convened by proclamation of the Governor, the session shall not continue longer than thirty days; and in such case, the compensation shall be at the rate of five dollars per diem.

Sec. 15. No book or other printed matter, not appertaining to the business of the session, shall be purchased or subscribed for, for the use of the members of the General Assembly or be distributed among them, at the public expense.

Sec. 16. No Senator or Delegate, after qualifying as such, notwithstanding he may thereafter resign, shall, during the whole period of time for which he was elected, be eligible to any office which shall have been created, or the salary or profits of which shall have been increased during such term, or shall during said whole period of time, be appointed to any civil office by the Executive or General Assembly.

Sec. 17. No Senator or Delegate shall be liable, in any civil action or criminal prosecution whatever, for words spoken in debate.

Sec. 18. Each House shall be judge of the qualifications and elections of its members, subject to the laws of the State;

shall appoint its own officers, determine the rules of its own proceedings, punish a member for disorderly or disrespectful behavior and with the consent of two-thirds of its whole number of members elected, expel a member; but no member shall be expelled a second time for the same offence.

Sec. 19. A majority of the whole number of members elected to each House, shall constitute a quorum for the transaction of business, but a smaller number may adjourn from day to day and compel the attendance of absent members, in such manner, and under such penalties, as each House may prescribe

Sec. 20. The doors of each House and of Committees of the Whole shall be open, except when the business is such as ought to be kept secret.

Sec. 21. Each House shall keep a Journal of its proceedings, and cause the same to be published. The yeas and nays of members on any question shall, at the call of any five of them in the House of Delegates, or one in the Senate, be entered on the Journal.

Sec. 22. Each House may punish by imprisonment, during the session of the General Assembly, any person not a member, for disrespectful or disorderly behavior in its presence, or for obstructing any of its proceedings, or any of its officers in the execution of their duties; *provided* such imprisonment shall not, at any one time, exceed ten days.

Sec. 23. The House of Delegates may inquire, on the oath of witnesses, into all complaints, grievances and offences, as the Grand Inquest of the State, and may commit any person for any crime to the public jail, there to remain until discharged by due course of law; they may examine and pass all accounts of the State, relating either to the collection or expenditure of the revenue, and appoint auditors to state and adjust the same; they may call for all public or official papers and records, and send for persons whom they may judge necessary in the course of their inquiries concerning affairs relating to the public interest, and may direct all office bonds, which shall be made payable to the State, to be sued for any breach thereof.

Sec. 24. Neither House shall, without the consent of the other, adjourn for more than three days at any one time; nor to any other place than that in which the House shall be sitting, without the concurrent vote of two-thirds of the members present.

Sec. 25. The House of Delegates shall have the sole power

of impeachment in all cases, but a majority of all the members elected must concur in an impeachment; all impeachments shall be tried by the Senate, and when sitting for that purpose, the Senators shall be on oath, or affirmation, to do justice according to law and evidence, but no person shall be convicted without the concurrence of two-thirds of all the Senators elected.

Sec. 26. Any bill may originate in either House of the General Assembly, and be altered, amended, or rejected by the other; but no bill shall originate in either House during the last ten days of the session, nor become a law, until it be read on three different days of the session in each House, unless three-fourths of the members of the House, where such bill is pending, shall so determine.

Sec. 27. No bill shall become a law, unless it be passed in each House by a majority of the whole number of members elected, and on its final passage, the ayes and noes be recorded.

Sec. 28. The style of all laws of this State shall be, "*Be it enacted by the General Assembly of Maryland,*" and all laws shall be passed by original bill, and every law enacted by the General Assembly shall embrace but one subject, and that shall be described in the title, and no law nor section of a law, shall be revived or amended by reference to its title or section only; and it shall be the duty of the General Assembly, in amending any article or section of the Code of Laws of this State, to enact the same as the said article or section would read when amended; and whenever the General Assembly shall enact any Public General Law, not amendatory of any section or article in the said Code, it shall be the duty of the General Assembly to enact the same in articles and sections, in the same manner as the said Code is arranged, and to provide for the publication of all additions and alterations which may be made to the said Code.

Sec. 29. Every bill, when passed by the General Assembly and sealed with the Great Seal, shall be presented to the Governor, who shall sign the same in the presence of the presiding officers and Chief Clerks of the Senate and House of Delegates; every law shall be recorded in the office of the Court of Appeals, and, in due time, be printed, published and certified under the Great Seal to the several Courts in the same manner as has been heretofore usual in this State.

Sec. 30. No law passed by the General Assembly shall take effect until the first day of June next after the session at which it may be passed, unless it be otherwise expressly

declared therein; and in case any public law is made to take effect before the said first day of June, the General Assembly shall provide for the immediate publication of the same.

Sec. 31. No money shall be drawn from the Treasury of the State, except in accordance with an appropriation by law and every such law shall distinctly specify the sum appropriated, and the object to which it shall be applied; *provided*, that nothing herein contained shall prevent the General Assembly from placing a Contingent Fund at the disposal of the Executive, who shall report to the General Assembly at each session, the amount expended and the purposes to which it was applied; an accurate statement of the receipts and expenditures of the public money shall be attached to and published with the laws after each regular session of the General Assembly.

Sec. 32. The General Assembly shall not pass local or special laws in any of the following enumerated cases, viz: For the assessment and collection of taxes for State or county purposes; or extending the time for the collection of taxes; providing for the support of public schools; the preservation of school funds; the location or the regulation of school houses; granting divorces; relating to fees or salaries; relating to the interest on money; providing for regulating the election or compensation of State or county offices; or designating the places of voting; or the boundaries of election districts; providing for the sale of real estate belonging to minors or other persons laboring under legal disabilities by executors, administrators, guardians or trustees; giving effect to informal or invalid deeds or wills; refunding money paid into the State Treasury, or releasing persons from their debts or obligations to the State, unless recommended by the Governor or officers of the Treasury Department; or establishing, locating or affecting the construction of roads, and the repairing or building of bridges; and the General Assembly shall pass no special law for any case for which provision has been made by an existing General Law. The General Assembly at its first session after the adoption of this Constitution, shall pass general laws, providing for the cases enumerated in this section and for all other cases where a General Law can be made applicable.

Sec. 33. No debt shall be hereafter contracted by the General Assembly unless such debt shall be authorized by a law providing for the collection of an annual tax or taxes sufficient to pay the interest on such debt as it falls due, and also to discharge the principal thereof within fifteen years from the time of contracting the same, and the taxes laid for this pur-

pose shall not be repealed or applied to any other object until the said debt and interest thereon shall be fully discharged. The credit of the State shall not, in any manner, be given or loaned to or in aid of any individual, association or corporation, nor shall the General Assembly have the power in any mode to involve the State in the construction of Works of Internal Improvement, nor in any enterprise which shall involve the faith or credit of the State, nor make any appropriations therefor; and they shall not use or appropriate the proceeds of the Internal Improvement Companies or of the State tax now levied, or which may hereafter be levied, to pay off the public debt to any other purpose, until the interest and debt are fully paid or the sinking fund shall be equal to the amount of the outstanding debt, but the General Assembly may, without laying a tax, borrow an amount, never to exceed fifty thousand dollars, to meet temporary deficiencies in the Treasury, and may contract debts, to any amount, that may be necessary for the defence of the State.

Sec. 34. No extra compensation shall be granted or allowed by the General Assembly to any public officer, agent, servant, or contractor after the services shall have been rendered, or the contract entered into; nor shall the salary or compensation of any public officer be increased or diminished during his term of office.

Sec. 35. No lottery grant shall ever hereafter be authorized by the General Assembly.

Sec. 36. The General Assembly shall pass no law, nor make any appropriation to compensate the masters or claimants of slaves emancipated from servitude by the adoption of this Constitution.

Sec. 37. No person shall be imprisoned for debt.

Sec. 38. The General Assembly shall grant no charter for banking purposes, nor renew any banking corporation now in existence, except upon the condition that the stockholders shall be liable to the amount of their respective share or shares of stock in such banking institution, for all its debts and liabilities upon note, bill or otherwise, and upon the further condition, that no director or other officer of said corporation shall borrow any money from said corporation, and if any director or other officer shall be convicted, upon indictment, of directly or indirectly violating this section, he shall be punished by fine or imprisonment at the discretion of the Court. The book, papers and accounts of all banks shall be open to inspection under such regulations as may be prescribed by law.

Sec. 39. The General Assembly shall enact no law authorizing private property to be taken for public use, without just compensation, as agreed upon between the parties, or awarded by a jury, being first paid or tendered to the party entitled to such compensation.

Sec. 40. Any citizen of this State who shall, after the adoption of this Constitution, either in or out of this State, fight a duel with deadly weapons, or send or accept a challenge so to do, or who shall act as a second, or knowingly aid or assist in any manner those thus offending, and any citizen who has thus offended, or who has so aided or assisted those thus offending since the first Wednesday of June, eighteen hundred and fifty-one, shall ever thereafter be incapable of holding any office of trust or profit under this State.

Sec. 41. The General Assembly shall pass laws for the preservation of the purity of elections by the registration of voters, and by such other means as may be deemed expedient; and to make effective the provisions of the Constitution, disfranchising certain persons or disqualifying them from holding office.

Sec. 42. The General Assembly shall pass laws necessary to protect the property of the wife from the debts of the husband during her life, and for securing the same to her issue after her death.

Sec. 43. Laws shall be passed by the General Assembly to protect from execution, a reasonable amount of property of a debtor not exceeding in value the sum of five hundred dollars.

Sec. 44. The General Assembly shall provide a simple and uniform system of charges in the offices of Clerks of Courts and Register of Wills, in the counties of this State and the city of Baltimore, and for the collection thereof; *provided*, the amount of compensation to any of said officers shall not exceed the sum of twenty-five hundred dollars a year, over and above office expenses and compensation to Assistants; *and provided further*, that such compensation of Clerks, Registers, Assistants and office expenses shall always be paid out of the fees or receipts of the offices respectively.

Sec. 45. The General Assembly shall have power to receive from the United States any grant or donation of land, money or securities for any purpose designated by the United States, and shall administer or distribute the same according to the conditions of the said grant.

Sec. 46. The General Assembly shall make provision for all cases of contested elections of any of the officers not herein provided for.

Sec. 47. The General Assembly shall pass laws requiring the President, Directors, Trustees or Agents of corporations, created or authorized by the laws of this State ; Teachers or Superintendents of the Public Schools, Colleges or other institutions of learning ; Attorneys-at-Law, Jurors and such other persons as the General Assembly shall, from time to time prescribe, to take the oath of allegiance to the United States set forth in the first article of this Constitution.

Sec. 48. The General Assembly shall have power to accept the cession of any territory contiguous to this State, from the States of Virginia and West Virginia or from the United States, with the consent of Congress and of the inhabitants of such ceded territory, and in case of such cessions, the General Assembly may divide such territory into counties, and shall provide for the representation of the same in the General Assembly on the basis fixed by this Constitution, and may for that purpose increase the number of Senators and Delegates. And the General Assembly shall enact such laws as may be required to extend the Constitution and laws of this State over such territory, and may create courts conformably to the Constitution for such territory, and may for that purpose increase the number of Judges of the Court of Appeals.

Sec. 49. The General Assembly shall provide by law for the registration of births, marriages and deaths, and shall pass laws providing for the celebration of marriage between any person legally competent to contract marriage, and shall provide that any persons prevented by conscientious scruples from being married by any of the existing provisions of law, may be married by any Judge or Clerk of any Court of Record, or any Mayor of any incorporated city in this State.

Sec. 50. The rate of interest in this State shall not exceed six per centum per annum, and no higher rate shall be taken or demanded ; and the General Assembly shall provide by law all necessary forfeitures and penalties against usury.

Sec. 51. Corporations may be formed under general laws, but shall not be created by special act, except for municipal purposes, and in cases where, in the judgment of the General Assembly, the object of the corporation cannot be attained under general laws. All laws and special acts, pursuant to this section, may be altered from time to time, or repealed ; *provided*, nothing herein contained shall be construed to alter, change or amend, in any manner, the section in relation to Banks.

Sec. 52. The Governor, Comptroller and Treasurer of the State, are hereby authorized, conjointly, or any two of them,

to exchange the State's interest as stockholder and creditor in the Baltimore and Ohio Rail Road Company, for an equal amount of the bonds or registered debt now owing by the State; and subject to such regulations and conditions as the General Assembly may from time to time prescribe, to sell the State's interest in the other works of Internal Improvement, whether as a stockholder or a creditor, also the State's interest in any banking corporation, and receive, in payment, the bonds and registered debt now owing by the State, equal in amount to the price obtained for the State's said interest; *provided*, that the interest of the State in the Washington Branch of the Baltimore and Ohio Rail Road, be reserved and excepted from sale; *and provided further*, that no sale or contract of sale of the State's interest in the Chesapeake and Ohio Canal, the Chesapeake and Delaware Canal, and the Susquehanna and Tide Water Canal Companies, shall go into effect, until the same shall be ratified by the ensuing General Assembly.

Sec. 53. The General Assembly, before authorizing the sale of the State's interest in the Chesapeake and Ohio Canal, and before prescribing regulations and conditions for said sale, shall pass all laws that may be necessary to authorize the counties of Allegany, Washington, Frederick and Montgomery, or any one of them, to create a debt by the issue of bonds or otherwise, so as to enable them, or any of them, to become the purchasers of said interest.

Sec. 54. The General Assembly shall have power to regulate, by law, not inconsistent with this Constitution, all matters which relate to the Judges of Election, time, place and manner of holding elections in this State, and of making returns thereof.

Sec. 55. The General Assembly shall have power to pass all such laws, as may be necessary and proper for carrying into execution the powers vested by this Constitution, in any department or office of the government, and the duties imposed upon them thereby.

ARTICLE IV. JUDICIARY DEPARTMENT.

PART I.

General Provisions.

SECTION 1. The Judicial power of this State shall be vested in a Court of Appeals, Circuit Courts, Orphans' Courts, such Courts for the city of Baltimore as may be hereinafter prescribed or provided for, and Justices of the Peace; all said

Courts shall be Courts of Record, and each shall have a seal to be used in the authentication of all process issuing from them. The process and official character of Justices of the Peace shall be authenticated as hath heretofore been practised in this State or may hereafter be prescribed by law.

Sec. 2. The Judges of the several Courts, except the Judges of the Orphans' Courts, shall be citizens of the United States, and residents of this State not less than five years next preceding their election or appointment by the Executive in case of a vacancy, and not less than one year next preceding their election or appointment residents in the Judicial District or Circuit, as the case may be, for which they may be elected or appointed. They shall be not less than thirty years of age at the time of their election, and selected from those who have been admitted to practice law in this State, and who are most distinguished for integrity, wisdom and sound legal knowledge.

Sec. 3. The Judges of the Court of Appeals shall be elected by the qualified voters of the State; and the Governor, by and with the advice and consent of the Senate, shall designate the Chief Justice; and the Judges of the Judicial Circuits shall be elected by the qualified voters of their respective circuits. Each Judge of the Court of Appeals, and of each Judicial Circuit shall hold his office for the term of fifteen years from the time of his election, or until he shall have attained the age of seventy years, whichever may first happen, and be re-eligible thereto until he shall have attained the age of seventy years and not after.

Sec. 4. Any Judge shall be removed from office by the Governor on conviction in a Court of Law of incompetency, of willful neglect of duty, misbehavior in office, or any other crime, or on impeachment according to this Constitution or the laws of the State; or on the address of the General Assembly, two-thirds of each House concurring in such address, and the accused having been notified of the charges against him, and had opportunity of making his defence.

Sec. 5. In case of the death, resignation, removal or other disqualification of a Judge of any Court of this State except of the Orphans' Court, the Governor, by and with the advice and consent of the Senate, shall thereupon appoint a person duly qualified to fill said office until the next general election thereafter, whether for members of the General Assembly or county officers, whichever shall first occur, at which time an election shall be held as herein prescribed for a Judge, who shall hold said office for the term of fifteen years, and until the election and qualification of his successor.

Sec. 6. All Judges shall by virtue of their offices, be conservators of the peace throughout the State, and no fees or perquisites, commission or reward of any kind shall be allowed to any Judge in this State, besides his annual salary or fixed per diem, for the discharge of any judicial duty.

Sec. 7. No Judge shall sit in any case wherein he may be interested or where either of the parties may be connected with him by affinity of consanguinity within such degrees as now are or may hereafter be prescribed by law or where he shall have been of counsel in the case.

Sec. 8. The General Assembly shall provide for the trial of causes in case of the disqualification of the Judge of the Superior Court of Baltimore city, the Court of Common Pleas, the Circuit Court of Baltimore city, and the Criminal Court of Baltimore, and also in case of the disqualification of any Judge of other Circuits Courts of this State, to hear and determine the same, but in case of such disqualification the parties thereto may, by consent, appoint a person to try the same; and the parties to any cause may submit the same to the Court for determination without the aid of a Jury.

Sec. 9. The Judge or Judges of any Court of this State, except the Court of Appeals, shall order and direct the record of proceedings in any suit or action, issue or petition, presentment or indictment pending in such Court, to be transmitted to some other Court in the same or any adjoining Circuit having jurisdiction in such cases, whenever any party to such cause, or the counsel of any party shall make it satisfactorily appear to the Court that such party cannot have a fair and impartial trial in the Court in which such suit or action, issue or petition, presentment or indictment is pending; and the General Assembly shall make such modifications of existing law as may be necessary to regulate and give force to this provision.

Sec. 10. The Judge or Judges of any Court may appoint such officers for their respective Courts as may be found necessary, and it shall be the duty of the General Assembly to prescribe by law a fixed compensation for all such officers.

Sec. 11. Every person being a citizen of the United States, shall be permitted to appear to, and try his own case, in all the Courts of the State.

Sec. 12. Any person who shall after this Constitution shall have gone into effect, detain in slavery any person emancipated by the provisions of this Constitution shall, on conviction, be fined not less than five hundred dollars, nor more than five thousand dollars, or be imprisoned not more than five years;

and any of the Judges of this State shall discharge, on habeas corpus, any person so detained in slavery.

Sec. 13. The Clerks of the several Courts created, or continued by this Constitution, shall have charge and custody of the records and other papers, shall perform all the duties and be allowed the fees which appertain to their several offices, as the same now are, or may hereafter be regulated by law.

Sec. 14. All elections of Judges and other officers provided for by this Constitution, State's Attorneys excepted, shall be certified, and the returns made by the Clerks of the respective counties to the Governor, who shall issue commissions to the different persons for the offices to which they shall have been respectively elected; and in all such elections, the person having the greatest number of votes, shall be declared to be elected.

Sec. 15. If in any case of election for Judges, Clerks of the Courts of Law, and Registers of Wills, the opposing candidates shall have an equal number of votes, it shall be the duty of the Governor to order a new election; and in case of any contested election, the Governor shall send the returns to the House of Delegates, who shall judge of the election and qualification of the candidates at such election.

Sec. 16. All public commissions and grants shall run thus: "The State of Maryland, &c.," and shall be signed by the Governor, with the seal of the State annexed; all writs and process shall run in the same style, and be tested, sealed and signed as usual; and all indictments shall conclude, "against the peace, government and dignity of the State."

PART II.

Court of Appeals.

Sec. 17. The Court of Appeals shall consist of a Chief Justice and four Associate Justices, and for their selection the State shall be divided into five Judicial Districts as follows, viz: Worcester, Somerset, Dorchester, Talbot, Caroline, Queen Anne, Kent and Cecil counties, shall compose the first district; Harford and Baltimore counties, and the first seven wards of Baltimore city, shall compose the second district; Baltimore city except the first seven wards, shall compose the third district; Allegany, Washington, Frederick, Howard and Carroll counties, shall compose the fourth district; St. Mary's, Charles, Anne Arundel, Calvert, Prince George's and Montgomery counties, shall compose the fifth district; and one of the Justices of the Court of Appeals, shall be elected from each of said districts, by the qualified voters of the whole State. The present Chief Justice and

Associate Justices of the Court of Appeals shall continue to act as such until the expiration of the term for which they were respectively elected, and until their successors are elected and qualified ; and an election for a Justice of the Court of Appeals, to be taken from the fourth Judicial District, shall be held on the Tuesday next after the first Monday in the month of November, eighteen hundred sixty four.

Sec. 18. The Court of Appeals shall hold its sessions in the city of Annapolis, on the first Monday in April, and the first Monday in October, of each and every year, or at such other times as the General Assembly may by law direct, and it shall be competent for the Justices of said Court, sufficient cause appearing to them, temporarily to transfer their sittings elsewhere.

Sec. 19. The jurisdiction of the Court of Appeals, shall be co-extensive with the limits of the State, and such as now is or may hereafter be prescribed for it by law, and its sessions shall continue for not less than ten months in the year, if the business before it shall so require.

Sec. 20. Any three of the Justices of the Court of Appeals may constitute a quorum, but no cause shall be decided without the concurrence of at least three Justices in the decision, and in every case decided, an opinion in writing shall be filed within three months after the argument or submission of the cause, and the judgment of the Court shall be final and conclusive.

Sec. 21. The salary of the Justices of the Court of Appeals shall be three thousand dollars, each per annum, payable quarterly.

Sec. 22. Provision shall be made by law for publishing reports of all causes argued and determined in the Court of Appeals, which the Justices shall designate as proper for publication.

Sec. 23. The Court of Appeals shall appoint its own Clerk, who shall hold his office for six years, and may be re-appointed at the end thereof, he shall be subject to removal by the said Court for incompetency, neglect of duty, misdemeanor in office, or such other cause, or causes as may be prescribed by law.

PART III. *Circuit Courts.*

Sec. 24. The State shall be divided into thirteen Judicial Circuits, in manner following: The counties of St. Mary's and Charles, shall constitute the first Circuit ; the counties

of Anne Arundel and Calvert, the second; the counties of Prince George's and Montgomery the third; the county of Frederick the fourth; the county of Washington the fifth; the county of Allegany the sixth; the counties of Carroll and Howard the seventh; the county of Baltimore the eighth; the counties of Harford and Cecil the ninth; the counties of Kent and Queen Anne's the tenth; the counties of Talbot and Caroline the eleventh; the counties of Dorchester, Somerset and Worcester the twelfth; and the city of Baltimore the thirteenth.

Sec. 25. One Court shall be held in each county of the State; the said Courts shall be called Circuit Courts for the county in which they may be held, and shall have and exercise all the power, authority and jurisdiction, original and appellate, which the present Circuit Courts of this State now have and exercise, or which may hereafter be prescribed by law.

Sec. 26. For each Circuit (the thirteenth excepted) there shall be one Judge, who shall be styled Circuit Judge, who during his term of office, shall reside in one of the counties composing the Circuit for which he may be elected; the said Judges shall hold a term of their Courts in each of the counties composing their respective Circuits at such times as now are or may hereafter be fixed by law, such terms to be never less than two in each year in each county; special terms may be held by said Judges in their discretion, whenever the business of their several counties renders such terms necessary.

Sec. 27. The present Judges of the Circuit Courts shall continue to act as Judges of the respective Circuit Courts within the Judicial Circuits in which they respectively reside, until the expiration of the term for which they were respectively elected, and until their successors are elected and qualified, viz: the present Judges of the first, second, third, fourth, sixth and eighth Judicial Circuits, as organized at the time of the adoption of this Constitution, shall continue to act as Judges respectively of the first, second, fourth, fifth, ninth and twelfth Judicial Circuits, as organized under this Constitution; and an election for Judges of the third, sixth, seventh, eighth, tenth and eleventh Judicial Circuits shall be held on the Tuesday next after the first Monday in the month of November in the year eighteen hundred and sixty-four.

Sec. 28. The salary of each Judge of the Circuit Court shall be twenty-five hundred dollars per annum payable quarterly, and shall not be increased or diminished during his continuance in office.

Sec. 29. There shall be a Clerk of the Circuit Court for each county, who shall be elected by a plurality vote of the qualified voters of said county, he shall hold his office for the term of six years from the time of his election, and until a new election is held and his successor duly qualified; he shall be re-eligible at the end of his term, and shall at any time be subject to removal for willful neglect of duty, or other misdemeanor in office, on conviction in a Court of Law. In the event of any vacancy in the office of the Clerk of any of the Circuit Courts, said vacancy shall be filled by the Judge of said Circuit in which said vacancy occurs until the next general election for county officers, when a clerk of said Circuit Court shall be elected to serve for six years thereafter.

Sec. 30. The Judges of the respective Circuit Courts of this State, and of the Courts of Baltimore City, shall render their decisions in all cases argued before them, or submitted for their judgment, within two months after the same shall have been argued or submitted.

PART IV.

Courts of Baltimore City.

Sec. 31. There shall be in the thirteenth Judicial Circuit four Courts, to be styled the Superior Court of Baltimore city; the Court of Common Pleas; the Circuit Court of Baltimore city; and the Criminal Court of Baltimore; each Court shall consist of one Judge, who shall be elected by the legal and qualified voters of said city; and shall hold his office for the term of fifteen years, subject to the provisions of this Constitution with regard to the election and qualification of Judges and their removal from office, and shall exercise the jurisdiction hereinafter specified.

Sec. 32. Each of said Judges shall receive an annual salary of three thousand dollars, payable quarterly.

Sec. 33. The Superior Court of Baltimore city, shall have jurisdiction over all suits where the debt or damage claimed, exclusive of interest, shall exceed the sum of one thousand dollars, and in case any plaintiff or plaintiffs shall recover less than the sum or value of one thousand dollars, he or they shall be allowed or adjudged to pay costs in the discretion of the Court. The said Court shall also have jurisdiction as a Court of Equity within the limits of the said city, and in all other civil cases, which are not hereinafter assigned to the Court of Common Pleas, and also have jurisdiction in all cases of appeals from the Commissioners for opening streets.

Sec. 34. The Court of Common Pleas shall have civil jurisdiction in all suits where the debt or damage claimed, ex-

clusive of interest, shall be over one hundred dollars, and shall not exceed one thousand dollars; and shall also have jurisdiction in all cases of appeal in civil cases from the judgment of Justices of the Peace in the said city, and shall have jurisdiction in all applications for the benefit of the insolvent laws of this State, and the supervision and control of the trustees thereof.

Sec. 35. The Circuit Court of Baltimore city shall have jurisdiction concurrent with the Superior Court of Baltimore city, in all cases in equity, in cases arising under the act to direct descents and its supplements; and shall exercise all the power that is now conferred by law; *provided*, said Court shall not have jurisdiction in applications for the writ of habeas corpus, in cases of persons charged with criminal offenses.

Sec. 36. The Criminal Court of Baltimore shall have and exercise all the jurisdiction now held and exercised by the Criminal Court of Baltimore, except in cases of appeals from Commissioners for opening streets, and shall have jurisdiction in all cases of appeals from Justices of the Peace in said city, for the recovery of fines, penalties and forfeitures.

Sec. 37. The present Judges of the several Courts of Baltimore city, shall continue to act as such until the expiration of the terms for which they were respectively elected, and until their successors are elected and qualified.

Sec. 38. All causes pending in the several Courts of Baltimore city, at the adoption of this Constitution, shall be prosecuted to final judgment, as though the jurisdiction of the several Courts in which they may be pending, had not been changed.

Sec. 39. There shall be a Clerk of each of the said Courts of Baltimore city, who shall be elected by the legal and qualified voters of said city, and shall hold his office for six years from the time of his election, and until his successor is elected and qualified, and be re-eligible thereto, subject to be removed for wilful neglect of duty or other misdemeanor in office on conviction in a Court of law. In case of a vacancy in the office of a Clerk of any of the said Courts the Judge of the Court, of which he was Clerk shall have the power to appoint a Clerk until the general election for county officers held next thereafter, when a Clerk of said Court shall be elected to serve for six years thereafter.

Sec. 40. The present Clerk of the Superior Court of Baltimore city, and of the Court of Common Pleas, and of the Criminal Court of Baltimore, shall continue to act as Clerks of

said Courts respectively, during the time for which they were severally elected, and until their successors are elected and qualified, and in case of the death, resignation or disqualification of either of said Clerks before the expiration of the time for which they were elected, the Judge of the Court where such death, resignation or other disqualification may occur, shall have the power to appoint a Clerk as provided by the thirty-ninth section of this Article ; the present Clerk of the Circuit Court of Baltimore city, shall continue to act as Clerk of said Court until the first election for county officers next after the adoption of this Constitution, when a Clerk of said Court shall be elected in the same manner and hold his office for the same time, and be subject to the same provisions of this Constitution as the Clerks of the Courts in said city.

Sec. 41. The General Assembly shall, whenever it may think the same proper and expedient, provide by law another Court for the city of Baltimore, to consist of one Judge to be elected by the legal and qualified voters of said city, who shall be subject to the same constitutional provisions, hold his office for the same term of years, and receive the same compensation as the Judge of the Superior Court of said city, and said Court shall have such jurisdiction and powers as may be prescribed by law ; and the General Assembly may re-apportion the civil jurisdiction among the several Courts in Baltimore city, from time to time, as in their judgments the public interest and convenience may require.

Sec. 42. The Clerk of the Court of Common Pleas, shall have authority to issue within said city, all marriage and other licences required by law, subject to such provisions as the General Assembly have now or may hereafter prescribe, and the Clerk of the Superior Court of said city, shall receive and record all deeds, conveyances and other papers which are required by law to be recorded in said city ; he shall also have custody of all papers connected with the proceedings on the Law and Equity side of Baltimore County Court, and of the dockets thereof so far as the same have relation to the city of Baltimore.

PART V. *Orphans' Courts.*

Sec. 43. There shall be an Orphans' Court in the city of Baltimore, and in each of the counties of this State ; the qualified voters of the city of Baltimore and of the several counties of the State shall, on the Tuesday next after the first Monday in the month of November, eighteen hundred and sixty-seven, elect three men to be Judges of the Orphans'

Court of said city and counties respectively ; one of the said Judges first elected shall hold his office for two years, one for four years and the other for six years, and at the first meeting after their election and qualification, or as soon thereafter as practicable, they shall determine by lot, which one of their number shall hold his office for two, four and six years respectively, and thereafter there shall be elected as aforesaid, at each general election for county officers, one Judge to serve for the term of six years. No person shall be elected Judge of the Orphans' Court unless he be at the time of his election a citizen of the United States, and resident for twelve months in the city or county for which he may be elected , each of said Judges shall receive such compensation, to be paid by the said counties and city respectively, as is now or may hereafter be prescribed by the General Assembly.

Sec. 44. In case of the death, resignation, removal, or other disqualification of a Judge of an Orphans' Court, the Governor, by and with the advice and consent of the Senate, shall appoint a person duly qualified to fill said office for the residue of the term thus made vacant.

Sec. 45. The Orphans' Courts shall have all the powers now vested by law in the Orphans' Courts of this State, subject to such changes as the General Assembly may prescribe, and shall have such other jurisdiction as may from time to time be provided by law.

Sec. 46. There shall be a Register of Wills in each county of the State, and in the city of Baltimore, to be elected by the legal and qualified voters of said counties and city respectively, who shall hold his office for six years from the time of his election, and until his successor is elected and qualified ; he shall be re-eligible and subject at all times to removal for willful neglect of duty or misdemeanor in office, in the same manner that the Clerks of Courts are removable. In the event of any vacancy in the office of Register of Wills, said vacancy shall be filled by the Judges of the Orphans' Court in which such vacancy occurs, until the next general election for county officers, when a Register shall be elected to serve for six years thereafter.

PART VI.

Justices of the Peace.

Sec. 47. The Governor, by and with the advice and consent of the Senate, shall appoint such number of Justices of the Peace, and the County Commissioners of the several counties, and the Mayor and City Council of Baltimore, shall appoint

such number of Constables for the several election districts of the counties and wards of the City of Baltimore, as are now or may hereafter be prescribed by law; and Justices of the Peace and Constables so appointed, shall be subject to removal by the Judge having criminal jurisdiction in the county or city, for incompetency, willful neglect of duty, or misdemeanor in office, on conviction in a Court of Law. The Justices of the Peace and Constables so appointed and commissioned, shall be conservators of the peace, shall hold their office for two years, and shall have such jurisdiction, duties and compensation, subject to such right of appeal in all cases, from the judgment of Justices of the Peace, as hath been heretofore exercised, or shall be hereafter prescribed by law.

Sec. 48. In the event of a vacancy in the office of a Justice of the Peace, the Governor shall appoint a person to serve as Justice of the Peace for the residue of the term; and in case of a vacancy in the office of Constable, the County Commissioners of the county in which the vacancy occurs, or the Mayor and City Council of Baltimore, as the case may be, shall appoint a person to serve as Constable for the residue of the term.

PART VII.

Sheriffs, &c.

Sec. 49. There shall be elected in each county and the city of Baltimore, in every second year, one person resident in said county or city, above the age of twenty-five years, and at least five years preceding his election a citizen of this State, to the office of Sheriff. He shall hold his office for two years and until his successor is duly elected and qualified; shall be ineligible for two years thereafter; shall give such bond, exercise such powers and perform such duties as now are, or may hereafter be fixed by law. In case of a vacancy by death, refusal to serve, or neglect to qualify, or give bond, by disqualification, or removal from the county, or city, the Governor shall appoint a person to be Sheriff for the remainder of the official term.

Sec. 50. Coroners, Elisors and Notaries Public, may be appointed for each county and the city of Baltimore, in the manner, for the purposes, and with the powers now fixed, or which may hereafter be prescribed by law.

ARTICLE V.

ATTORNEY GENERAL.

SECTION 1. There shall be an Attorney General elected by the qualified voters of the State, on general ticket, on the Tuesday next after the first Monday in the month of Novem-

ber, in the year eighteen hundred and sixty four, and on the same day in every fourth year thereafter, who shall hold his office for four years from the first Monday of January next ensuing his election, and until his successor shall be elected and qualified, and shall be re-elegible thereto, and shall be subject to removal for incompetency, willful neglect of duty, or misdemeanor in office, on conviction in a Court of Law.

Sec. 2. All elections for Attorney General shall be certified to, and returns made thereof by the Clerks of the Circuit Courts for the several counties, and the Clerk of the Superior Court of Baltimore city, to the Governor of the State, whose duty it shall be to decide upon the election and qualifications of the person returned, and in case of a tie between two or more persons to designate which of said persons shall qualify as Attorney General and to administer the oath of office to the person elected.

Sec. 3. It shall be the duty of the Attorney General to prosecute and defend, on the part of the State, all cases which at the time of his election and qualification, and which thereafter may be depending in the Court of Appeals, or in the Supreme Court of the United States, by or against the State, or wherein the State may be interested; and he shall give his opinion in writing whenever required by the General Assembly, or either branch thereof; the Governor; the Comptroller; the Treasurer; or any State's Attorney on any matter or subject depending before them; or either of them, and when required by the Governor or the General Assembly, he shall aid any State's Attorney in prosecuting any suit, or action brought by the State, in any Court of this State; and and he shall commence and prosecute or defend any suit, or action, in any of said Courts, on the part of the State, which the General Assembly or the Governor acting according to law, shall direct to be commenced, prosecuted, or defended, and he shall receive for his services an annual salary of twenty-five hundred dollars; but he shall not be entitled to receive any fees, perquisites, or rewards, whatever, in addition to the salary aforesaid, for the performance of any official duty, nor have power to appoint any agent, representative, or deputy, under any circumstances whatever.

Sec. 4. No person shall be eligible to office of Attorney General, who has not resided and practiced law in this State for at least seven years next preceding his election.

Sec. 5. In case of vacancy in the office of Attorney General, occasioned by death, resignation, or his removal from the State, or his conviction as hereinbefore specified, the said vacancy shall be filled by the Governor for the residue of the term thus made vacant.

Sec. 6. It shall be the duty of the Clerk of the Court of Appeals and the Commissioner of the Land Office, respectively, whenever a case shall be brought into said Court, or Office in which the State is a party or has an interest, immediately to notify the Attorney General thereof.

THE STATE'S ATTORNEYS.

Sec. 7. There shall be an Attorney for the State in each county and the city of Baltimore to be styled "The State's Attorney," who shall be elected by the voters thereof, respectively, on the Tuesday next after the first Monday in the month of November, eighteen hundred and sixty-seven, and on the same day every fourth year thereafter, and shall hold his office for four years from the first Monday in January next ensuing his election, and until his successor shall be elected and qualified, and shall be re-eligible thereto, and be subject to removal therefrom for incompetency, willful neglect of duty or misdemeanor in office, on conviction in a Court of Law.

Sec. 8. All elections for the State's Attorney shall be certified to, and returns made thereof by the Clerks of the said counties and city, to the Judges thereof having criminal jurisdiction respectively, whose duty it shall be to decide upon the elections and qualifications of the persons returned, and in case of a tie between two or more persons, to designate which of said persons shall qualify as State's Attorney, and to administer the oaths of office to the persons elected.

Sec. 9. The State's Attorney shall perform such duties and receive such fees and commissions as are now or may be hereafter prescribed by law, and if any State's Attorney shall receive any other fee or reward than such as is, or may be allowed by law, he shall on conviction thereof be removed from office; *provided*, that the State's Attorney for Baltimore city shall have power to appoint one Deputy, at a salary of not more than fifteen hundred dollars per annum, to be paid by the said State's Attorney, out of the fees of his office, as has heretofore been practiced.

Sec. 10. No person shall be eligible to the office of State's Attorney, who has not been admitted to practice law in this State, and who has not resided for at least one year in the county or city in which he may be elected.

Sec. 11. In case of vacancy in the office of State's Attorney or of his removal from the county or city in which he shall have been elected, or on his conviction as herein specified, the said vacancy shall be filled by the Judge of the county or city, respectively, having criminal jurisdiction in which

said vacancy shall occur, for the residue of the term thus made vacant.

ARTICLE VI. TREASURY DEPARTMENT.

SECTION 1. The Treasury Department of this State, shall consist of a Comptroller and Treasurer.

Sec. 2. The Comptroller shall be chosen by the qualified electors of the State at each regular election for members of the General Assembly. He shall hold his office for two years, commencing on the second Wednesday in January next ensuing his election, and shall receive an annual salary of twenty-five hundred dollars, but shall not be allowed, nor shall he receive any fees, commissions or perquisites of any kind, in addition thereto, for the performance of any official duty or service. He shall keep his office at the seat of Government, and shall take such oath, and enter into such bond for the faithful performance of his duty, as are now, or may hereafter be prescribed by law. A vacancy in the office of Comptroller shall be filled by the Governor for the residue of the term. The first election for Comptroller under this Constitution, shall be held on the Tuesday next after the first Monday in the month of November, in the year eighteen hundred and sixty-four, but the Comptroller then elected shall not enter upon the discharge of the duties of his office, until the expiration of the term of the present incumbent, unless the said office shall sooner become vacant.

Sec. 3. The Comptroller shall have the general superintendence of the fiscal affairs of the State; he shall digest and prepare plans for the improvement and management of the revenue, and for the support of the public credit, prepare and report estimates of the revenue and expenditure of the State, superintend and enforce the collection of all taxes and revenue, adjust, settle and preserve all public accounts, decide on the forms of keeping and stating accounts, grant, under regulations prescribed by law, all warrants for moneys to be paid out of the Treasury, in pursuance of appropriations by law, prescribe the formalities of the transfer of stock or other evidences of the State debt, and countersign the same, without which such evidences shall not be valid, he shall make full reports of all his proceedings, and of the state of the Treasury Department within ten days after the commencement of each session of the General Assembly, and perform such other duties as are now or may hereafter be prescribed by law.

Sec. 4. The Treasurer shall be elected on joint ballot, by the two Houses of the General Assembly, at each regular session thereof. He shall hold his office for two years, and shall

receive an annual salary of twenty-five hundred dollars, but shall not be allowed, nor shall he receive any fees, commissions or perquisites of any kind in addition thereto, for the performance of any official duty or service. He shall keep his office at the seat of Government, and shall take such oath and enter into such bond for the faithful discharge of his duty as are now, or may hereafter be prescribed by law. A vacancy in the office of the Treasurer shall be filled by the Governor for the residue of the term. The General Assembly at its first session after the adoption of this Constitution, shall elect a Treasurer, but the Treasurer then elected shall not enter upon the discharge of the duties of his office, until the expiration of the term of the present incumbent, unless the said office shall sooner become vacant.

Sec. 5. The Treasurer shall receive and keep the moneys of the State and disburse the same upon warrants drawn by the Comptroller, and not otherwise, he shall take receipts for all moneys paid by him, and all receipts for moneys paid by him shall be endorsed upon warrants signed by the Comptroller, without which warrant, so signed, no acknowledgment of money received into the Treasury shall be valid; and upon warrants issued by the Comptroller, he shall make arrangements for the payment of the interest of the public debt, and for the purchase thereof, on account of the sinking fund. Every bond, certificate, or other evidence of the debt of the State, shall be signed by the Treasurer and countersigned by the Comptroller, and no new certificate or other evidence intended to replace another shall be issued, until the old one shall be delivered to the Treasurer, and authority executed in due form for the transfer of the same shall be filed in his office, and the transfer accordingly made on the books thereof, and the certificate or other evidence cancelled, but the General Assembly may make provision for the loss of certificates or other evidence of the debt.

Sec. 6. The Treasurer shall render his accounts quarterly to the Comptroller, and on the third day of each regular session of the General Assembly, he shall submit to the Senate and House of Delegates, fair and accurate copies of all accounts by him, from time to time rendered and settled with the Comptroller. He shall at all times submit to the Comptroller, the inspection of the moneys in his hands, and perform all other duties that are now or may hereafter be prescribed by law.

ARTICLE VII. SUNDRY OFFICERS.

SECTION 1. The Governor, the Comptroller of the Treasury and the Treasurer, shall constitute the Board of Public Works

in this State ; they shall keep a journal of their proceedings, and shall hold regular sessions in the city of Annapolis on the first Wednesday of January, April, July and October in each year, and oftener if necessary, at which sessions they shall hear and determine such matters as affect the Public Works of the State, and as the General Assembly may confer upon them the power to decide.

Sec. 2. They shall exercise a diligent and faithful supervision of all Public Works in which the State may be interested as stockholder or creditor, and shall appoint the directors in every railroad or canal company in which the State has the legal power to appoint directors, which said directors shall represent the State in all meetings of the stockholders of every railroad or canal company in which the State is a stockholder ; they shall require the directors of all said Public Works, from time to time, and as often as there shall be any change in the rates of toll on any of said works to furnish said Board of Public Works a schedule of such modified rates of toll, and shall use all legal powers which they may possess to obtain the establishment of rates of toll, which may prevent an injurious competition with each other, to the detriment of the interests of the State, and so to adjust them as to promote the agricultural interest of the State ; they shall report to the General Assembly at each regular session, and recommend such legislation as they shall deem necessary and requisite to promote or protect the interests of the State in the said Public Works ; they shall perform such other duties as may be hereafter prescribed by law, and a majority of them shall be competent to act. The Governor, Comptroller and Treasurer shall receive no additional salary for services rendered by them as members of the Board of Public Works.

Sec. 3. There shall be a Commissioner of the Land Office elected by the qualified voters of the State, on the Tuesday next after the first Monday in the month of November, in the year eighteen hundred and seventy, and on the same day in every sixth year thereafter, who shall hold his office for the term of six years from the first Monday in January ensuing his election ; the returns of said election shall be made to the Governor, and in the event of a tie between two or more candidates the Governor shall direct a new election to be held by writs to the Sheriffs of the several counties and of the city of Baltimore, who shall hold said election after at least twenty days notice, exclusive of the day of election ; he shall perform such duties as are now required of the Commissioner of the Land Office, or such as may hereafter be prescribed by law, and shall also be the Keeper of the Chancery Records ; he shall receive a salary of two thousand dollars per annum,

to be paid out of the Treasury, and shall charge such fees as are now or may be hereafter fixed by law; he shall make a semi-annual report of all the fees of his office, both as Commissioner of the Land Office, and as Keeper of the Chancery Records, to the Comptroller of the Treasury, and shall pay the same semi-annually into the Treasury; in case of vacancy in said office by death, resignation or other cause, the Governor shall fill such vacancy until the next general election for Members of the General Assembly thereafter, when a Commissioner of the Land Office shall be elected for the full term of six years ensuing.

Sec. 4. The State Librarian shall be elected by joint vote of the two branches of the General Assembly for four years, and until his successor shall be elected and qualified; his salary shall be fifteen hundred dollars per annum, and the General Assembly shall pass no law whereby he shall receive any additional compensation; he shall perform such duties as are now or may hereafter be prescribed by law; in case of a vacancy in the office of State Librarian from death, resignation or other cause the Governor shall fill such vacancy until the next meeting of the General Assembly thereafter, and until a successor be elected and qualified.

Sec. 5. The County Commissioners shall be elected, on general ticket, by the qualified voters of the several counties in this State; an election for County Commissioners shall be held on the Tuesday next after the first Monday in the month of November eighteen hundred and sixty-five, and as nearly one half as may be of said commissioners shall hold their office for two years, and the other half for four years; at the first meeting after their election and qualification or as soon thereafter as practicable the said commissioners shall determine by lot, which of their number shall hold office for two and four years respectively; and thereafter there shall be elected as aforesaid, at each general election for County officers, County Commissioners for four years to fill the places of those whose term has expired. The said Commissioners shall exercise such powers and perform such duties, which shall be similar throughout the State, as are now or may hereafter be prescribed by law. Their number in each county, and their compensation, their powers and duties, may at any time hereafter be changed and regulated by the General Assembly.

Sec. 6. The General Assembly shall provide by law for the appointment of Road Supervisors in the several counties by the County Commissioners, and the number of said Supervisors as well as their powers and duties in the several election districts in the several counties shall be determined by the said County Commissioners.

Sec. 7. The qualified voters of each county and of the city of Baltimore shall on the Tuesday next after the first Monday in the month of November in the year eighteen hundred and sixty-five, and every two years thereafter elect a Surveyor for the counties and the city of Baltimore respectively, whose term of office shall commence on the first Monday of January next ensuing their election, and whose duties and compensation shall be the same as are now or may hereafter be prescribed by law. Any vacancy in the office of Surveyor shall be filled by the Commissioners of the counties, or by the Mayor and City Council of Baltimore respectively, for the residue of the term.

Sec. 8. The qualified voters of Worcester county shall on the Tuesday next after the first Monday in the month of November, in the year eighteen hundred and sixty-five, and every two years thereafter; elect a Wreck Master for said county, whose duties and compensation shall be the same as are now or may be hereafter prescribed by law; the term of office of said Wreck Master shall commence on the first Monday of January next succeeding his election, and a vacancy in said office shall be filled by the County Commissioners of said county for the residue of the term.

Sec. 9. The General Assembly may provide by law for the election or appointment of such other officers as may be required and are not herein provided for, and prescribe their tenure of office powers and duties.

ARTICLE VIII.

E D U C A T I O N .

SECTION 1. The Governor shall, within thirty days after the ratification, by the people, of this Constitution, appoint, subject to the confirmation of the Senate, at its first session thereafter, a State Superintendent of Public Instruction, who shall hold his office for four years, and until his successor shall have been appointed and shall have qualified. He shall receive an annual salary of twenty-five hundred dollars, and such additional sum for traveling and incidental expenses at the General Assembly may by law allow; shall report to the General Assembly within thirty days after the commencement of its first session under this Constitution, a uniform system of free public schools, and shall perform such other duties pertaining to his office, as may from time to time be prescribed by law.

Sec. 2. There shall be a State Board of Education, consisting of the Governor, the Lieutenant Governor, the Speaker of the House of Delegates, and the State Superintendent of

Public Instruction, which Board shall perform such duties as the General Assembly may direct.

Sec. 3. There shall be in each county such number of School Commissioners, as the State Superintendent of Public Instruction shall deem necessary, who shall be appointed by the State Board of Education, shall hold office for four years, and shall perform such duties and receive such compensation as the General Assembly or State Superintendent may direct; the School Commissioners of Baltimore city shall remain as at present constituted, and shall be appointed, as at present, by the Mayor and City Council, subject to such alterations and amendments as may be made from time to time by the General Assembly or the said Mayor and City Council.

Sec. 4. The General Assembly, at its first session after the adoption of this Constitution, shall provide a uniform system of free public schools; by which a school shall be kept open and supported, free of expense for tuition in each school district, for at least six months in each year; and in case of a failure on the part of the General Assembly so to provide, the system reported to it by the State Superintendent of Public Instruction shall become the system of free Public Schools of the State; *provided*, that the report of the State Superintendent shall be in conformity with the provisions of this Constitution, and such system shall be subject to such alterations conformable to this article, as the General Assembly may from time to time enact.

Sec. 5. The General Assembly shall levy at each regular session after the adoption of this Constitution, an annual tax of not less than ten cents on each one hundred dollars of taxable property throughout the State, for the support of the free public schools, which tax shall be collected at the same time, and by the same agents as the general State levy; and shall be paid into the Treasury of the State, and shall be distributed under such regulations as may be prescribed by law, among the counties and the city of Baltimore, in proportion to their respective population, between the ages of five and twenty years; *provided*, that the General Assembly shall not levy any additional school tax upon particular counties, unless such county express by popular vote its desire for such tax; the city of Baltimore shall provide for its additional school tax as at present, or as may hereafter be provided by the General Assembly, or by the Mayor and City Council of Baltimore.

Sec. 6. The General Assembly shall further provide by law, at its first session after the adoption of this Constitution, a fund for the support of the free public schools of the State,

by the imposition of an annual tax of not less than five cents on each one hundred dollars of taxable property throughout the State, the proceeds of which tax shall be known as the Public School fund, and shall be invested by the Treasurer, together with its annual interest, until such time as said fund shall, by its own increase and any additions which may be made to it from time to time, together with the present school fund, amount to six millions of dollars, when the tax of ten cents on the hundred dollars, authorised by the preceding section, may be discontinued in whole or in part, as the General Assembly may direct, the principal fund of six millions hereby provided shall remain forever inviolate as the free public school fund of the State, and the annual interest of said school fund shall be disbursed for educational purposes only, as may be prescribed by law.

ARTICLE IX.

MILITIA AND MILITARY AFFAIRS.

SECTION 1. The Militia shall be composed of all able bodied male citizens residents of this State, being eighteen years of age, and under the age of forty-five years, who shall be enrolled in the Militia, and perform military duty in such manner, not incompatible with the Constitution and Laws of the United States, as may be prescribed by the General Assembly of Maryland, but persons whose religious opinions and conscientious scruples forbid them to bear arms, shall be relieved from doing so, on producing to the proper authorities satisfactory proof that they are thus conscientious.

Sec. 2. The General Assembly shall provide at its first session after the adoption of this Constitution, and from time to time thereafter, as the exigency may require, for organizing, equipping and disciplining the Militia in such manner not incompatible with the laws of the United States, as shall be most effective to repel invasion and suppress insurrection, and shall pass such laws as shall promote the formation of volunteer Militia associations in the city of Baltimore and in every county and to secure them such privileges or assistance as may afford them effectual encouragement.

Sec. 3. There shall be an Adjutant General, who shall be appointed by the Governor, by and with the advice and consent of the Senate. He shall hold his office at the pleasure of the Governor: shall perform such duties, and shall receive such compensation or emoluments as are now or may be hereafter fixed by law.

ARTICLE X. COUNTIES AND TOWNSHIPS.

SECTION 1. The General Assembly may provide for organizing new counties, locating and removing county seats, and changing county lines, but no new county shall be organized without the consent of a majority of the legal voters residing within the limits about to form said county, nor shall the lines of any county be changed, without the consent of a majority of the legal voters residing within the limits of the lines proposed to be changed, nor shall any new county contain less than four hundred square miles, nor less than ten thousand white inhabitants, nor shall any county be reduced below that amount of square miles, nor below that number of white inhabitants.

Sec. 2. The General Assembly shall provide, by general law, for dividing the counties into townships or permanent municipal corporations, in place of the existing election districts prescribing their limits and confiding to them all powers necessary for the management of their public local concerns; and whenever the organization of these township corporations shall be perfected, all officers provided for in this Constitution, but whose official functions shall have been superseded by such organizations, shall be dispensed with, and the affairs of such townships and of the counties as affected by the action of such townships shall be transacted in such manner as the General Assembly shall direct.

ARTICLE XI. AMENDMENTS OF THE CONSTITUTION.

SECTION 1. The General Assembly may propose any amendment or amendments to this Constitution which shall be agreed to by three fifths of all the members elected to both houses. Such proposed amendment or amendments with the yeas and nays thereon, shall be entered on the Journal of each house; shall be printed with the Laws passed at the same session, and shall be published, by order of the Governor, in all the newspapers printed in the different counties of this State, and in three newspapers printed in the city of Baltimore (one of which shall be printed in the German language,) for at least three months preceding the next election for members of the General Assembly, at which election the said proposed amendment or amendments shall be submitted to the qualified Electors of the State for their confirmation or rejection, and if it shall appear, to the satisfaction of the Governor, from the returns of said election made to him by the proper authorities, that a majority of the qualified votes cast at said election on the proposed amendment or amend-

ments were in favor of the said proposed amendment or amendments, he shall, by proclamation, declare said amendment or amendments to be part of the Constitution of this State. When two or more amendments shall be submitted by the General Assembly to the qualified Electors of the State at the same election, they shall be so submitted that the Electors may vote for or against each amendment separately.

Sec. 2. Whenever two-thirds of the members elected to each branch of the General Assembly, shall think it necessary to call a Convention to revise, amend or change this Constitution, they shall recommend to the electors to vote, at the next election for members of the General Assembly, for or against a Convention: and if a majority of all the electors voting at said election, shall have voted for a Convention, the General Assembly shall, at their next session, provide by law for calling the same. The Convention shall consist of as many members as both houses of the General Assembly, who shall be chosen in the same manner and shall meet within three months after their election, for the purpose aforesaid.

Sec. 3. At the general election to be held in the year one thousand eight hundred and eighty-two, and in each twentieth year thereafter, the question "shall there be a Convention to revise, alter or amend the Constitution?" shall be submitted to the electors of the State; and in case a majority of all the electors voting at such election, shall decide in favor of a Convention, the General Assembly, at its next session shall provide by law, for the election of delegates, and the assembling of such Convention, as is provided in the preceding section; but no amendment of this Constitution, agreed upon by any Convention assembled in pursuance of this article, shall take effect until the same shall have been submitted to the electors of the State, and adopted by a majority of those voting thereon.

ARTICLE XII.

SCHEDULE.

SECTION 1. Every person holding any office created by or existing under the Constitution or Laws of the State, the entire amount of whose pay or compensation received for the discharge of his official duties, shall exceed the yearly sum of three thousand dollars, except wherein otherwise provided by this Constitution, shall keep a book, in which shall be entered every sum or sums of money received by him, or on his account, as a payment or compensation for his performance of official duties, a copy of which entries in said book, verified by the oath of the officer by whom it is directed to be

kept, shall be returned yearly to the Comptroller of the State, for his inspection and that of the General Assembly of the State, and each of said officers, when the amount received by him for the year shall exceed three thousand dollars, shall yearly pay over to the Treasurer of the State the amount of such excess by him received, subject to such disposition thereof as the General Assembly may direct. Any such officer failing to comply with this requisition, shall be deemed to have vacated his office, and be subject to suit by the State, for the amount that ought to be paid into the Treasury.

Sec. 2. The several Courts, except as herein otherwise provided, shall continue with like powers and jurisdiction both at law and in equity, as if this Constitution had not been adopted, and until the organization of the Judicial Department provided by this Constitution.

Sec. 3. If at any election directed by this Constitution, any two or more candidates shall have the highest and an equal number of votes, a new election shall be ordered, except in cases specially provided for by this Constitution.

Sec. 4. In the trial of all criminal cases, the Jury shall be the judges of law as well as fact.

Sec. 5. The trial by jury of all issues of fact, in civil proceedings, in the several Courts of law in this State, where the amount in controversy exceeds the sum of five dollars, shall be inviolably preserved.

Sec. 6. All officers, civil and military, now holding office, whether by election or appointment under the State, shall continue to hold and exercise their offices according to their present tenure, unless otherwise provided in this Constitution, until they shall be superseded pursuant to its provisions, and until their successors be duly qualified; and the compensation of such officers which has been increased by this Constitution, shall take effect from the first day of January, eighteen hundred and sixty-five.

Sec. 7. General elections shall be held throughout the State, on the Tuesday next after the first Monday in the month of November of each and every year. At the election held in the year eighteen hundred and sixty-four, all State officers required to be elected under this Constitution during that year shall be elected, and in like manner in every second year thereafter an election shall be held for those State officers whose terms are about to expire. At the election held in the year eighteen hundred and sixty-five, all county officers required to be elected under this Constitution, in that year, shall be elected, and in like manner, in every second year

thereafter, an election shall be held for those county officers, whose term are about to expire; *provided, however,* the Judges of the several Courts of this State, (except the Judges of the Orphans' Courts,) shall be elected at the regular election, whether for State or county officers, as the case may be, immediately preceding the expiration of the term of the incumbent whose place is to be filled.

VOTE ON THE CONSTITUTION.

Sec. 8. For the purpose of ascertaining the sense of the people of this State in regard to the adoption or rejection of this Constitution, the Governor shall issue his proclamation, within five days after the adjournment of this Convention, directed to the Sheriff of the city of Baltimore, and to the Sheriffs of the several counties of this State, commanding them to give notice in the manner now prescribed by law, that an election will be held in the city of Baltimore on the twelfth day of October, in the year eighteen hundred and sixty-four, and in the several counties of this State, on the twelfth and thirteenth days of October in the same year, at the usual places of holding elections in said city and counties, for the adoption or rejection of this Constitution, which election shall be held in the said city of Baltimore, on the twelfth day of October, eighteen hundred and sixty-four, between the hours of eight o'clock, A. M., and five o'clock, P. M., and in the said several counties of this State, on the said twelfth and thirteenth days of October, eighteen hundred and sixty-four, between the hours of eight o'clock, A. M., and five o'clock, P. M., and the Judges of election of said city and of the several counties of the State, shall receive at said election the votes only of such electors as are qualified according to the provisions of this Constitution, who may offer to vote at such election, and the said Sheriffs shall also give notice, on or after the twelfth day of October, eighteen hundred and sixty-four, for all elections provided for by this Constitution, to be held during that year.

Sec. 9. At the said election the vote shall be by ballot, and each ballot shall describe thereon the words "for the Constitution," or "against the Constitution," as the voter may elect, and it shall be conducted in all respects as the general elections of this State are now conducted. The Judges of election shall administer to every person offering to vote, the oath or affirmation prescribed by this Constitution, and should any person offering to vote refuse or decline to take said oath, he shall not be permitted to vote at such election, but the taking of such oath or affirmation, shall not be deemed conclusive evidence of the right of such person to vote; and it shall be the duty of the return Judges of said city,

and of the several counties of the State, having counted the votes given for or against the adoption of this Constitution, to certify the result thereof in the manner now prescribed by law, accompanied with a special statement, that every person who has voted, has taken the oath or affirmation prescribed by this Constitution; and the Governor, upon receiving such result, and ascertaining the aggregate vote throughout the State, including the soldier's vote hereinafter provided for, shall by his proclamation make known the same, and if a majority of the votes cast shall be for the adoption of this Constitution, it shall go into effect on the first day of November, eighteen hundred and sixty-four.

Sec. 10. And the Governor shall exclude from count the votes of any county or city, the return judges of which shall fail to certify in the returns, as provided by this Schedule, that all persons who have voted have taken the oath prescribed to be taken, unless the Governor shall be satisfied that such oath was actually administered, and that the failure to make the certificate has been from inadvertence or mistake.

SOLDIERS' VOTE.

Sec. 11. Any qualified voter of this State, who shall be absent from the county or city of his residence by reason of being in the military service of the United States so as not to be able to vote at home, on the adoption, or rejection of this Constitution, or for all State officers elected on general ticket, and for Presidential electors, and for Members of Congress, at the election to be held on the Tuesday next after the first Monday in the month of November, eighteen hundred and sixty-four, shall be entitled to vote at such elections as follows: A poll shall be opened in each Company of every Maryland Regiment in the service of the United States, or of this State, on the day appointed by this Convention for taking the vote on the new Constitution, or on some day not more than five days thereafter at the quarters of the commanding officer thereof, and voters of this State belonging to such Company who shall be within ten miles of such quarters on the day of election, may vote at such poll; the polls shall be opened at eight o'clock, A. M., and close at six o'clock, P. M.; the commissioned officers of such Company, or such of them as are present at the opening of the polls shall act as Judges, and any one officer shall be competent so to act, and if no officer be present, then the voters in such Company present, shall elect two of the voters present to act as Judges of the election; before any votes are received, each of the Judges shall take an oath, or affirmation, that he will perform the duties of Judge according to law, will prevent fraud and observe and make proper return thereof, and such oath the

Judges may administer to each other; the election shall be by ballot, and any voter may vote either "for the Constitution," or "against the Constitution."

Sec. 12. Any qualified voter of this State who shall be absent from the city, or county of his residence on the day for taking the vote on the adoption or rejection of this Constitution by reason of his being in the military service of the United States, but shall be at some hospital, or military post, or on duty within this State, and not with his Company, may vote at the nearest polls to such place on satisfying the Judges that he is a legal and qualified voter of this State.

Sec. 13. The Judges may swear any one offering to vote as to his being a legal voter of this State. The Judges shall take down on a poll book, or list, the names of all the voters as their votes are taken, and the tickets shall be placed in a box as taken; after the polls are closed, the tickets shall be counted and strung on a thread, and the Judges shall make out a certificate, which they shall sign, addressed to the Governor at Annapolis, in which they shall state that they have taken the oath hereby prescribed, and shall certify the number of votes taken, and the number of votes for the Constitution, and against the Constitution; the said certificates shall be accompanied with the names of the voters, and shall be plainly expressed, but no particular words shall be required.

Sec. 14. The Judges shall, as soon as possible, transmit said returns with the tickets so strung, to the Governor, who shall receive the returns of the soldier's vote, and shall cast up the same, and judge of the genuineness and correctness of the returns, and may re-count the threaded tickets, so as to satisfy himself, and the Governor shall count said vote with the aggregate vote of the State on the adoption or rejection of this Constitution, and shall wait for fifteen days after the day on which the State vote is taken, so as to allow the returns of the soldiers' vote to be made before the result of the whole vote is announced. The Governor shall receive the returns of the soldiers' vote on said election for State officers, Presidential electors and members of Congress, and shall count the same with the aggregate home vote on State officers, and the aggregate home vote in each district respectively, for members of Congress.

Sec. 15. The Governor shall make known to the officers of the State Regiments, the provisions of this article of the Schedule, and request them to exercise the right hereby conferred upon them, and shall take all means proper to secure the soldiers' vote; and the General Assembly, at its first session after the adoption of this Constitution, shall make

proper appropriation to pay any expense that may arise herein.

Sec. 16. If this Constitution shall be adopted by the people, the provisions contained herein for taking the soldiers' vote on the adoption of the Constitution shall apply to all elections to be held in this State, until the General Assembly shall provide some other mode of taking the same.

Done in Convention the sixth day of September, in the year of our Lord one thousand eight hundred and sixty-four, and of the Independence of the United States, the eighty-ninth.

HENRY H. GOLDSBOROUGH,

President of the Convention.

Attest:—W. R. COLE, Secretary.

STATE OF MARYLAND, SCT.:

I, GEORGE EARLE, Clerk of the Court of Appeals of Maryland, do hereby certify that this Constitution was, on this sixth day of September in the year of our Lord one thousand eight hundred and sixty-four, filed in this office.

Witness my hand,

GEORGE EARLE,

Clerk of the Court of Appeals.

The said Constitution was read and adopted by yeas and nays as follows :

AFFIRMATIVE.

| | | |
|---------------------|------------------|--------------|
| Messrs. | Galloway, | Parker, |
| Goldsborough, P't | Greene, | Pugh, |
| Abbott, | Hatch, | Purnell, |
| Annan, | Hebb, | Ridgely, |
| Audoun, | Hoffman, | Russell, |
| Baker, | Hopper, | Schley, |
| Barron, | Jones, of Cecil, | Schlosser, |
| Berry, of Balt. co. | Keefer, | Scott, |
| Brocks, | Kennard, | Sneary, |
| Carter, | King, | Stirling, |
| Cunningham, | Larsh, | Stockbridge, |
| Cushing, | Markey, | Swope, |
| Daniel, | Mayhugh, | Sykes, |
| Davis, of Wash., | McComas, | Thomas, |
| Dellinger, | Mullikin, | Todd, |
| Earle, | Murray, | Valliant, |
| Ecker, | Negley, | Wickard, |
| Farrow, | Nyman, | Wooden—53. |

NEGATIVE.

| | | |
|--------------------|-----------------|-----------------|
| Messrs. | Duvall, | Marbury, |
| Belt, | Gale, | Mitchell, |
| Bond, | Henkle, | Miller, |
| Brown, | Hodson, | Morgan, |
| Chambers, | Hollyday, | Parran, |
| Crawford, | Horsey, | Peter, |
| Dail, | Jones, of Som., | Smith, of Dor., |
| Davis, of Charles, | Lansdale, | Turner, |
| Dent, | Lee, | Wilmer—26. |

Absent and not voting—Messrs. Berry, of Prince George's, Billingsley, Blackiston, Briscoe, Clarke, Dennis, Edelen, Harwood, Hopkins, Johnson, Mace, Noble, Robinette, Sands, Smith, of Carroll, Smith, of Worcester, and Thrus-ton—17.

Mr. Hebb submitted the following order :

Ordered, That the Secretary of the Convention proceed forthwith to deposit the Constitution as adopted, passed, signed and attested, in the office of the Clerk of the Court of Appeals.

Which was adopted.

Mr. Thomas submitted the following order :

Ordered, That the thanks of this Convention are due and are hereby tendered to Wm. Blair Lord, Esq., the Reporter, and to Henry M. Parkhurst, Esq., Assistant Reporter, for the impartial, faithful and efficient manner they have reported the Debates of this Convention.

Which was adopted.

Mr. Davis, of Charles, moved to suspend the rules to give the resolutions submitted by him on yesterday a second reading.

Decided in the negative.

The order submitted by Mr. Audoun, and postponed, in relation to requiring the oath to be taken by every person before they shall be entitled to receive any compensation as expressed in the resolution offered by Mr. Berry, of Baltimore county.

Was taken up ;

The question being on the adoption of the order.

Mr. Audoun demanded the yeas and nays ;

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|---------------------|------------------|------------|
| Messrs. | Galloway, | Nyman, |
| Goldsborough, P't | Greene, | Parker, |
| Abbott, | Hatch, | Pugh, |
| Annan, | Hebb, | Purnell, |
| Audoun, | Hoffman, | Ridgely, |
| Baker, | Hopper, | Russell, |
| Barron, | Jones, of Cecil, | Schley, |
| Berry, of Balt. co. | Keefer, | Schlosser, |
| Brooks, | Kennard, | Scott, |
| Carter, | King, | Sneary, |
| Cunningham, | Larsh, | Stirling, |
| Cushing, | Markey, | Swope, |
| Daniel, | Mayhugh, | Sykes, |
| Davis, of Wash., | McComas, | Todd, |
| Dellinger, | Mullikin, | Valliant, |
| Ecker, | Murray, | Wickard, |
| Farrow, | Negley, | Wooden—50. |

NEGATIVE.

| | | |
|--------------------|-----------------|-----------------|
| Messrs. | Duvall, | Marbury, |
| Belt, | Gale, | Mitchell, |
| Bond, | Henkle, | Miller, |
| Brown, | Hodson, | Morgan, |
| Chambers, | Hollyday, | Peter, |
| Crawford, | Horsey, | Smith, of Dor., |
| Dail, | Jones, of Som., | Turner, |
| Davis, of Charles, | Lansdale, | Wilmer—25. |
| Dent, | Lee, | |

So the question upon its adoption was decided in the affirmative.

Mr. Belt moved that the Convention do now adjourn *sin die* ;

The question being on the adoption of the motion,

Mr. Belt demanded the yeas and nays,

The demand being sustained,

The yeas and nays were called, and appeared as follows :

AFFIRMATIVE.

| | | |
|---------|---------|-----------|
| Messrs. | Duvall, | Marbury, |
| Belt, | Gale, | Mitchell, |

| | | |
|--------------------|-----------------|----------------|
| Bond, | Henkle, | Miller, |
| Brown, | Hodson, | Morgan, |
| Chambers, | Hollyday, | Peter, |
| Crawford, | Horsey, | Smith of Dor., |
| Dail, | Jones, of Som., | Turner, |
| Davis, of Charles, | Lansdale, | Wilmer—25. |
| Dent, | Lee, | |

NEGATIVE.

| | | |
|---------------------|------------------|--------------|
| Messrs. | Galloway, | Parker, |
| Goldsborough, P't | Greene, | Pugh, |
| Abbott, | Hatch, | Purnell, |
| Annan, | Hebb, | Ridgely, |
| Audoun, | Hoffman, | Russell, |
| Baker, | Hopper, | Schley, |
| Barron, | Jones, of Cecil. | Schlosser, |
| Berry, of Balt. co. | Keefer, | Scott, |
| Brooks, | Kennard, | Stirling, |
| Carter, | King, | Stockbridge, |
| Cunningham, | Markey, | Swope, |
| Cushing, | Mayhugh, | Sykes, |
| Davis, of Wash., | McComas, | Thomas, |
| Dellinger, | Mullikin, | Todd, |
| Earle, | Murray, | Valliant, |
| Ecker, | Negley, | Wickard, |
| Farrow, | Nyman, | Wooden—49. |

So the question upon its adoption was decided in the negative.

Mr. Hebb submitted the following order :

Ordered, That when this Convention adjourns to-day, stands adjourned in pursuance of a resolution of the Convention passed upon the 21st day of August, 1864.

Which was adopted.

Mr. Hebb moved that the Convention do now adjourn ;

Decided in the affirmative.

The President, before announcing the vote, addressed the Convention as follows :

Gentlemen of the Convention :

The time has now arrived when, as your presiding officer it becomes my duty to declare the termination of the labor of this body. In so doing it would not be proper to omit the observance of the time-honored custom of giving utterance to some brief and friendly words of parting.

We have been engaged for the past four months in the work of framing anew the organic law of this State. However easy the task may appear to many, and especially to those who have never participated in such a work, yet I am sure you will concur with me that its difficulties, not a few even in times of profound peace, have been greatly increased by the condition of things by which we were surrounded.

Amid a civil war of the most gigantic proportions, our minds have been constantly disturbed by the ever recurring consideration whether the institutions, under which we have prospered so long as a nation, were to stand or fall amid the conflicts of the day. While the nation has been thus agitated throughout its entire limits, our own State has been the theatre of the most bitter contests between social and political classes ever experienced, and which it could have been wished should not have existed while we were engaged in a work of so much importance and magnitude. Our labors, though thus interrupted by scenes calculated to create the most embittered feeling, and to provoke discussions of the most exciting character, have not been marred by any of those personal animosities or collisions which might have been anticipated, and which have so often characterized the proceedings of other deliberative bodies. This is a matter of sincere congratulation, and if your President has succeeded in the accomplishment of this object, he has been encouraged and sustained by a conviction of your belief in his conscientious discharge of duty, and in his faithful endeavor at all times to award to each individual member, irrespective of party designations or particular localities, that impartial justice which should always control the action of a presiding officer of a deliberative body.

We are now about to separate for our respective homes. In all human probability the most of us may never meet again. As actors in the past and present eventful scenes, can we *not all*—dismissing the memory of every embittered feeling, before parting—unite in the prayer so often repeated at this desk, that the same *ever living God*, who has heretofore protected and defended us as one people, may, notwithstanding our civil broils, our many sins and misgivings, still preserve us “under the shadow of his wing” as one undivided nation; that whatever changes may be occasioned by the rapidly transpiring events of the day—whatever modifications may be produced in the character of our social institutions, the *Union*, as the great ark of our national safety, with the Constitution, may be vouchsafed to us and our children; and that *ere many years shall roll around*, we may

all look again with fond delight upon the same gorgeous emblem of our nationality still floating over us, affording equal protection to the rights of all, at home and abroad, not a star erased, nor a stripe obscured.

Representatives of Maryland—Freemen of a central State of a once proud galaxy of States—citizens of a National Government, unequalled in its fostering protection by any other upon earth, your hearts and mine I know beat responsive to a wish for the restoration of our Federal Government, and a return of that period when we shall all, irrespective of geographical lines or sectional parties, recognize “the Constitution and the laws and treaties made in pursuance thereof, as the supreme law of the land.” Is there a man so indifferent to the blessings of republican liberty, as not to cherish a hope of a speedy realization of such a result? Who does not desire a peace—permanent substantial peace—a peace commanding the obedience of all men, in all parts of our common country, to those who have been or may be chosen to administer the Government? Who will not hail with pleasure the end of scenes of blood and desolation, if it can be obtained by an unconditional submission of those proud domestic foes, wherever located, who have been and are now engaged in plotting our destruction, and whose treasonable schemes, I hope, in the providence of God, may be defeated, whether sought to be accomplished by the sword or by a surreptitious use of the ballot? “The union of the States, the majority must govern, it is treason to secede,” is as truthful now as in the earlier days of the Republic, or even in the Madisonian era of unsuspected State Rights Republicanism. The will of the people must be respected. It must be enforced, and although we may cry “peace, peace,” there will be no peace until every armed foe shall be made to acknowledge the paramount authority of our Federal Government.

In the momentous struggle which has for the past three years agitated this State, your President has not been an inactive participant. He has witnessed the rapid change of public sentiment in relation to a domestic institution heretofore protected by law to such an extent as almost to suppress all freedom of speech and freedom of action. In an evil hour, initiated by the loss of place and in the full-blown pride of power, its supporters sought to extend and perpetuate its rule, even though it involved the destruction of the best Government on earth. Scarcely awaiting the announcement of the result of the Presidential canvas, they openly proclaimed their fixed determination to disregard the popular will as expressed in the choice of a Chief Magistrate, and mocking all the ordinary restraints of law, proceeded in

their work of disintegration and dismemberment, regardless of all consequences. Such traitorous proceedings culminated, as might have been expected and foreseen, in all the horrors of civil war. In such acts are to be discovered the true cause of all our trials and sufferings, as well as the history of that determined popular clamor for this Convention, as the most effectual means to check such movements within our State. The draft of a Constitution now about to be submitted, is but one of the legitimate fruits of rebellion, to be followed by other similar enactments, until the popular will shall be reflected in an absolute extinguishment of this institution. Slavery interwoven with our social and domestic relations, and accustomed to control our national policy could not brook the antagonism of free speech and free labor. In its mad appeal to the dread arbitrament of the sword, there has been disclosed the secret history and ambitious designs of many party leaders who have long sought to divide our country by sectional lines for the gratification of their own personal ends. That God, in the providence of His ways, will effectually thwart the machinations of such schemers and plotters of disunion, I have not a doubt. Believing that He has permitted this state of things for the accomplishment of some great National good, I have an abiding faith that the great mass of the American people, whose generous patriotism, unflinching courage and unselfish devotion to their country's cause is without a parallel in the history of the world, will emerge from this terrible ordeal, much better prepared to appreciate the blessings of free institutions, and to provide in a Constitutional mode for the removal of every obstacle to the perpetuation of a united Government, constituting us one people, so dear to every true American heart. This problem of *universal freedom* is being fast wrought out by the current events of the day, to the satisfaction of every loyal man, while in the blood of patriotic sons and sires will be found the surest guaranties against all future enemies, foreign or domestic, of that Liberty and Union which should be one and inseparable, now and forever.

In this State the institution of slavery is dead. Those who have tears, therefor, prepare to shed them now. It is not *now* in your power, or mine, or that of any living mortal to revive or resuscitate it. I congratulate you upon the accomplishment of this work, which I doubt not the people will seal with their approbation. Even those of your constituents who do not now coincide with your views, after the asperities of the day shall have ceased will, I doubt not, hail with pleasure this great social revolution, opening as it does, the fair fields of Maryland to the hand of honest industry, in all its diversi-

fied forms, and enabling each and every man *irrespective of color*, to enjoy as God intended, the fruits of his own personal labor. The sons of honest toil, the farmer, the mechanic and the manufacturer will be elevated in the scale of humanity. Free and untrammelled—with the avenues of wealth, power, and distinction open to all classes of the white race, every one, whether native or naturalized, becomes the peer of every other man—nay, even of the proudest aristocrat, who will have either to content himself with the daily contact of the things he loathes or seek other more congenial climes for the enjoyment of the peculiar blessings of an institution, which in its mad efforts to discredit free labor and free institutions has destroyed itself.

This change alone, of itself, will more than compensate the people of Maryland for all their trials and sufferings. As a central State her future is most auspicious, bringing with it wealth, prosperity and population, the sure concomitants of free labor. She will henceforth begin to experience the truth of her motto "*Crescite et multiplicamini*," and, with the increase of her people, I hope the love she has ever manifested for the Union and Constitution will be strengthened, purified and intensified.

Permit me, gentlemen, in conclusion to express my thanks for your emphatic approval of my official course, for your courteous and kind deportment at all times, and in bidding you *farewell*, to renew my wishes for the prosperity and happiness of each individual member of this Convention.

I do now proclaim this Convention adjourned, in accordance with a resolution heretofore adopted.

Attest:

WILLIAM R. COLE, Secretary.

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That the Librarian furnish each Member with a copy of the Convention Law and Constitution, adopted, 13.

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That all printed matter furnished to Members be also furnished the Official Reporter and the Reporters of the Press, 14.

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